CAESAR GOODSON, Appellant, v. STATE OF MARYLAND, Appellee.	IN THE COURT OF SPECIAL APPEALS OF MARYLAND September Term 2015 No. 2308

STATE'S RESPONSE TO WILLIAM PORTER'S "MOTION FOR INJUNCTION PENDING APPEAL"

On January 7, 2016, William Porter filed in this Court a "Motion for Injunction Pending Appeal by Officer William Porter." The State, by its attorneys, Brian E. Frosh, Attorney General of Maryland, and Carrie J. Williams, Assistant Attorney General, submits the following response.

A. Procedural Background

Caesar Goodson is pending second degree murder and related charges in the Circuit Court for Baltimore City (Case Number 115141032). His trial is currently scheduled to begin on January 11, 2016.

On December 11, 2015, the State served William Porter with a trial subpoena to appear and testify as a witness in the criminal case

against Goodson.[1] On January 4, 2016, Porter filed a motion to quash the subpoena, and the State filed a response (attached as Exhibit 1) on the morning of January 6, 2016. After a hearing that afternoon, Porter's motion to quash was denied by the Honorable Judge Barry Williams.[2]

The State then moved to compel Officer Porter's testimony pursuant to Courts and Judicial Proceedings Article, § 9-123, and the State and Porter incorporated by reference the motion to quash and the response thereto into their respective arguments on the State's motion, which is attached to Porter's Motion as Exhibit C. At the hearing on the motion to compel, Porter indicated that, if called to testify, he intended to invoke his Fifth Amendment privilege against self-incrimination. After hearing argument from both sides, the circuit court granted the State's motion to compel, and issued an order, attached to Porter's motion as Exhibit G, compelling Porter to testify and stating that "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."

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[1] Porter is himself facing criminal charges stemming from the same incident. Porter's second trial (the first having ended in a mistrial) is scheduled to begin on June 13, 2016.

[2] A transcript of the January 6, 2016 hearing has not been prepared. However, a video recording of the hearing was attached to Porter's motion as Exhibit D.

On January 7, 2016, Porter simultaneously filed three pleadings in two courts. In the Circuit Court for Baltimore City, he filed a notice of appeal "from the Court's ruling on this matter of January 6, 2016 that he be compelled to testify in this matter[,]" and a motion for injunction pending appeal. Before the circuit court ruled on the latter motion, Porter filed in this Court a "Motion for Injunction Pending Appeal by Officer William Porter."[3]

B. Porter's motion is not properly before this Court

Porter purports to file his motion for an injunction "pursuant to Md. Rules [sic] § 8-425[.]" (Motion at 1). Maryland Rule 8-425, however, appears to be a vehicle for enjoining the execution of a civil judgment pending resolution of an appeal. It is not the appropriate procedural vehicle through which Porter can seek relief.

Rule 8-425 states, in pertinent part:

> (a) Generally. During the pendency of an appeal, the Court of Special Appeals or the Court of Appeals may issue (1) an order staying, suspending, modifying, or restoring an order entered by the lower court or (2) an injunction, even if injunctive relief was sought and denied in the lower court.

[3] Later in the afternoon of January 7, 2016, the circuit court denied Porter's motion for an injunction. A copy of the order denying Porter's motion is attached as Exhibit 2.

> (b) Motion in Circuit Court. **Unless it is not practicable to do so, a party shall file a motion in the circuit court requesting relief pursuant to Rule 2-632 before requesting relief from the appellate court under this Rule.**

Md. Rule 8-425 (2015) (emphasis added).

Rule 2-632 is a rule of civil procedure that governs stays of enforcement. There is no corresponding rule in Title Four, the criminal causes title.[4] Moreover, the Committee Note to Rule 8-425 makes clear that 8-425 is to be used only in the most extraordinary circumstances and "is not intended to supplant the requirements of Rules 8-422 through 8-424[,]" which govern requests for stays and require a party to seek relief in the lower court before seeking review of that decision in this Court. Md. Rule 8-422(c) ("After an appeal has been filed, on motion of a party who has first sought relief in the lower court, the Court of Special Appeals" may grant certain relief).

There is good reason to require a party to first seek a stay in the circuit court and then seek review of that decision (if necessary) in this Court. The filing of an appeal does not divest the circuit court of jurisdiction to continue the proceedings. *See, e.g.*, *Pulley v. State*, 287 Md. 406 (1980). And, so long as the circuit court retains jurisdiction, "[w]hether to grant or deny a stay of proceedings is a matter within the

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[4] The closest corollary to Rule 2-632 is Rule 4-348, which sets forth the procedure for seeking a stay of execution of sentence pending appeal. *See* Md. Rule 4-348 (2015). Like Rule 2-632, that Rule is irrelevant here.

discretion of the trial court, and only will be disturbed if the discretion is abused." *Vaughn v. Vaughn*, 146 Md. App. 264, 279 (2002).

By seeking relief directly from this Court, Porter attempts to convert what should be a review of a trial court's ruling for an abuse of discretion into a de novo determination. Porter should not be permitted to do so. Not only is Porter's request contrary to ordinary appellate procedure, but the lower court is better equipped to decide whether the order compelling Porter to testify should be stayed pending the appeal because it is familiar with the facts of this case and the attendant issues surrounding the trial. The circuit court should be given an opportunity to exercise its discretion with regard to whether a stay is necessary in this case.

This is not an extraordinary circumstance that excuses Porter from first seeking relief in the Circuit Court for Baltimore City. This Court should dismiss Porter's motion for an injunction as not properly before this Court.

C. Even if this Court considers Porter's motion for an injunction, he fails to meet his burden that an injunction is necessary.

If this Court considers the merits of Porter's motion for injunction, it should be denied. Rule 8-425(g) states that in considering whether injunctive relief should be granted, this Court "shall consider the same factors that are relevant to the granting of injunctive relief by a circuit

court." Md. Rule 8-425. The four factors relevant to the issuance of an injunction are "(1) the likelihood that the plaintiff will succeed on the merits; (2) the 'balance of convenience' determined by whether greater injury would be done to the defendant by granting the injunction than would result by its refusal; (3) whether the plaintiff will suffer irreparable injury unless the injunction is granted; and (4) the public interest." *Schade v. Maryland State Bd. of Elections*, 401 Md. 1, 36 (2007). It is the moving party's burden to establish these four factors and "failure to prove the existence of even one of the four factors will preclude the grant of preliminary injunction relief." *Id.*

Porter does not even attempt to meet his burden for receiving an injunction. In fact, Porter's motion before this Court is little more than a recitation of his motion to quash in the circuit court. Even if his legal arguments succeeded in establishing that he was likely to win on the merits — which they do not — he is still required to prove: 2) that he will suffer greater injury if the injunction is not granted than the State will if the injunction is granted; 3) that his injury will be irreparable; and 4) that it is in the interest of justice to grant the injunction. Porter makes no attempt to satisfy any of these three factors.

Indeed, even if he had tried, Porter could not satisfy *any* of the four factors necessary to receive an injunction. With regard to the first factor, Porter cannot win on the merits because, as the State argued

below, the immunity granted by Section 9-123 of the Courts and Judicial Proceedings Article is sufficient to immunize Porter's testimony, and anything derived from Porter's testimony, against use in a federal prosecution. *See Murphy v. Waterfront Comm'n of New York Harbor*, 378 U.S. 52, 79 (1964) (where a witness is given immunity and compelled to testify, in order to protect the Fifth Amendment rights of witnesses and "accommodate the interests of the State and Federal Governments in investigating and prosecuting crime, the Federal Government must be prohibited from making any such use of compelled testimony and its fruits"); *accord United States v. Balsys*, 524 U.S. 666, 682 (1998) (acknowledging the holding in *Murphy* that because it is "intolerable to allow a prosecutor in one or the other jurisdiction to eliminate the privilege [against self-incrimination] by offering immunity less complete than the privilege's dual jurisdictional reach[,]" the federal government is prohibited from using compelled testimony or evidence derived from that testimony).

Porter's argument that § 9-123's exception for the crimes of perjury and obstruction of justice renders it unconstitutional in his case is equally without merit. Porter has no Fifth Amendment privilege to commit perjury. At the same time, the State is precluded from using Porter's immunized testimony to prove any charge of perjury that allegedly occurred prior to Porter's testimony in Goodson's trial. *See,*

e.g., United States v. DeSalvo, 26 F.3d 1216, 1221 (2d Cir. 1994). Those two limitations effectively protect Porter's Fifth Amendment privilege. *Id.*

Nor can Porter show that he will suffer greater injury if the injunction is denied than the State will suffer if it is granted. By providing Porter with immunity pursuant to Section 9-123 and compelling him to testify, the State is obligating itself to prove, at a hearing prior to Porter's trial, that all evidence it intends to introduce against Porter is independent of his compelled testimony. *Kastigar v. United States*, 406 U.S. 441, 460 (1972). If the State fails to meet that burden, the evidence is inadmissible. *Id.* Porter is protected from injury by the safeguards of *Kastigar*.

On the other hand, enjoining Porter from testifying as a State witness in Goodson's trial, set to begin on Monday, January 11, 2016, irreparably harms the government's ability to prosecute Goodson for the death of Freddie Gray. The State has one opportunity to try Goodson. If the State is enjoined from calling Porter as a witness at the time of Goodson's trial, there is no remedy. Contrary to Porter's contention, that is truly the "bell [that] cannot be unrung." (Motion at 38).

Save for his bald statement that he will be "unable to challenge" the trial court's order compelling him to testify at a later time, (Motion at 38), Porter says nothing about irreparable injury, the third injunction

factor. As mentioned above, by granting Porter use and derivative use immunity, the State is taking on the "substantial burden" of having to demonstrate an independent source for all of the evidence used against Porter at a later trial. *Graves v. United States*, 472 A.2d 395, 400 (D.C. 1984). Moreover, if Porter disagrees with the trial court's rulings at any future *Kastigar* hearing, he is free to challenge those rulings on appeal. If the trial court erred in admitting evidence that the State failed to prove came from an independent source, Porter will receive a new trial and that evidence will be excluded. Nothing irreparable will happen if Porter is required to comply with the lower court's order.

Finally, for all of the reasons discussed above, Porter cannot establish that the granting of an injunction is in the interest of justice. It is, in fact, not in the interest of justice for this Court to grant an injunction without the benefit of a full and complete record or any fact-finding hearing.

Procedurally, Porter's motion fails because it is not properly before this Court and should be dismissed in order for Porter to seek relief in the lower court. Substantively, Porter's motion fails because he makes no attempt to meet his burden of proving the four factors necessary for granting an injunction. This Court should deny Porter's motion for an injunction pending appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 8, 2016, a copy of the Response to William Porter's Motion for Injunction Pending Appeal was hand-delivered, and delivered via electronic mail, 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

EXHIBIT 1

STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
	*	CASE No. 115141032
CAESAR GOODSON	*	

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STATE'S RESPONSE TO MOTION TO QUASH TRIAL SUBPOENA OF OFFICER WILLIAM PORTER

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 responds herein to the Motion to Quash Trial Subpoena of Officer William Porter filed on January 4, 2015, by Officer Porter through counsel.

I. Overview

On January 4, 2015, Officer William Porter filed a Motion to Quash a trial subpoena that the State served on him to appear and testify as a witness in the above-captioned case. Prior to that Motion, on May 21, 2015, a Grand Jury indicted Officer Porter, as well as Defendant Goodson and four other police officers, charging all with crimes stemming from a common underlying incident, namely the arrest and death of Mr. Freddie Gray. Officer Porter stood trial on that indictment beginning on November 30, 2015, but the jury ultimately could not reach a unanimous verdict on any of the charges, resulting in the Court declaring a mistrial on December 16, 2015.

The State has no intentions of dismissing the charges against Officer Porter, and his re-trial is scheduled to begin on June 13, 2016. Nevertheless, his testimony remains necessary and material to the prosecution of Defendant Goodson. Accordingly, following the mistrial, the State

informed counsel for Officer Porter that if he invoked his privilege against self-incrimination when called to testify as a witness against Defendant Goodson, then the State would request that the Court issue an order compelling Officer Porter to testify in consideration of a grant of use and derivative use immunity for his testimony pursuant to Section 9-123 of the Courts and Judicial Proceedings Article ("CJP" hereinafter). This Court scheduled a hearing for January 6, 2015, to consider that requested immunity order.

Seeking to avoid testifying at Defendant Goodson's trial, Officer Porter's January 4 Motion asks this Court to quash the trial subpoena served on him, asserting as grounds for such relief an array of arguments set forth in a 38-page pleading that reduces to two main points: (1) that Officer Porter cannot be compelled to testify even with use and derivative use immunity because of his privilege against self-incrimination and (2) that the State's prior assertion during his trial that Officer Porter lied about certain facts under oath prevents the State from compelling his testimony because such testimony could subject him to perjury charges despite immunity or could otherwise affect the fairness of Defendant Goodson's trial. Officer Porter's Motion, while replete with rhetorical efforts and arguments relevant toward his retrial, fails to set forth any meritorious basis to quash his trial subpoena in the case involving Defendant Goodson. Consequently, his Motion should be denied.

II. Officer Porter has failed to claim any proper grounds to quash his trial subpoena under Rule 4-266

Before assessing the many arguments set forth in Officer Porter's Motion, the Court should consider those arguments that Officer Porter has *not* set forth—namely, any of the proper grounds to quash a subpoena as provided in Rule 4-266. Specifically, Rule 4-266(c) provides

that "[u]pon motion of . . . a person named in the subpoena . . . the court, for good cause shown, may enter an order which justice requires to protect the . . . person from annoyance, embarrassment, oppression, or undue burden or expense . . . including . . . [t]hat the subpoena be quashed." The Court of Special Appeals, construing Rule 4-266's substantively identical civil corollary, Rule 2-403, described that a person seeking to quash a subpoena by requesting

> an order that will protect . . . a person from annoyance, embarrassment, oppression, or undue burden or expense . . . has the burden of making a particular and specific demonstration of fact, as distinguished from general, conclusory statements, revealing some injustice, prejudice, or consequential harm that will result if protection is denied. Even if the court agrees that some protection is necessary, a protective order is not a blanket authorization for the court to prohibit disclosure of information whenever it deems it advisable to do so, but is rather a grant of power to impose conditions on discovery in order to prevent injury, harassment, or abuse of the court's processes.

Forensic Advisors, Inc. v. Matrixx Initiatives, Inc., 170 Md. App. 520, 530-31 (2006) (internal citations and quotations marks removed). Nowhere in Officer Porter's Motion does he even cite Rule 4-266, much less particularly and specifically demonstrate how good cause exists to quash his trial subpoena based on annoyance, embarrassment, oppression, or undue burden or expense. At best (and as fully set forth below), his Motion presents an erroneous interpretation of the effect of an immunity order under CJP § 9-123 and a litany of speculative, conclusory assertions about the impact his compelled testimony may have on his future retrial or other criminal liability. As such, the Motion fails to set forth proper grounds for relief and should be denied.

III. CJP § 9-123 permits this Court to lawfully compel Officer Porter's statement, notwithstanding his privilege against self-incrimination

Aside from failing to claim any grounds for relief recognized under Rule 4-266, Officer Porter's Motion likewise fails to distinguish the settled legal principles underlying and embodied in CJP § 9-123: this Court's order to compel his testimony upon the grant of use and derivative

use immunity statutorily authorized therein fully protects Officer Porter's privilege against self-incrimination under both federal and Maryland law. As the Supreme Court has explained, "the constitutional privilege against self-incrimination protects a state witness against incrimination under federal as well as state law and a federal witness against incrimination under state as well as federal law." *Murphy v. Waterfront Commn. of N.Y. Harbor*, 378 U.S. 52, 77-78 (1964). Nonetheless, "[a]mong the necessary and most important of the powers of the States as well as the Federal Government to assure the effective functioning of government in an ordered society is the broad power to compel residents to testify in court or before grand juries or agencies." *Kastigar v. United States*, 406 U.S. 441, 444 (1972) (internal quotation marks removed).

To that end, "[i]mmunity statutes, which have historical roots deep in Anglo-American jurisprudence, are not incompatible with [the privilege against self-incrimination]" because "they seek a rational accommodation between the imperatives of the privilege and the legitimate demands of government to compel citizens to testify," reflecting "the fact 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 445-46. "[T]he government has an option to exchange the stated privilege for an immunity to prosecutorial use of any compelled inculpatory testimony," and "[t]he only condition on the government when it decides to offer immunity in place of the privilege to stay silent is the requirement to provide an immunity as broad as the privilege itself." *United States v. Balsys*, 524 U.S. 666, 682 (1998). A grant of "immunity from use and derivative use is coextensive with the scope of the privilege against self-incrimination, and therefore is sufficient to compel testimony over a claim of the privilege." *Kastigar*, 406 U.S. at 453. Furthermore, once the government compels such testimony upon a grant of immunity, the government may still proceed with the prosecution of the person so compelled to testify but in doing so bears "the

affirmative duty to prove that the evidence it proposes to use [at a subsequent trial] is derived from a legitimate source wholly independent of the compelled testimony." *Id.* at 460.

Moreover, because "the privilege against self-incrimination protects a state witness against federal prosecution," *Murphy*, 378 U.S. at 79, "the immunity option open to the Executive Branch [can] only be exercised on the understanding that the state and federal jurisdictions [are] as one, with a federally mandated exclusionary rule filling the space between the limits of state immunity statutes and the scope of the privilege," *Balsys*, 524 U.S. at 683. In other words, if "a state witness [is] compelled to give testimony which may be incriminating under federal law . . . , the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him." *Murphy*, 378 U.S. at 79. "This exclusionary rule, while permitting the States to secure information necessary for effective law enforcement, leaves the witness and the Federal Government in substantially the same position as if the witness had claimed his privilege in the absence of a state grant of immunity." *Id.*

Following the 1964 *Murphy* decision explaining the relationship between the Federal and State governments in compelling immunized testimony over a person's privilege against self-incrimination and in light of the 1972 *Kastigar* explanation of the type of immunity required by the U.S. Constitution, the Maryland Court of Appeals has adopted both cases into Maryland's self-incrimination jurisprudence. *In re Criminal Investigation No. 1-162*, 307 Md. 674, 678 (1986), involved a challenge to self-incriminating testimony compelled under former Article 27, § 262, which at the time conferred "immunity from prosecution upon witnesses compelled by the State to testify in the course of a gambling investigation." The appellants had each invoked their fifth amendment privilege against self-incrimination when summoned to testify before a Grand

Jury conducting investigations into gambling, and when the prosecutor filed motions to compel their testimony, the appellants contended that "the § 262 immunity did not displace their fifth amendment privilege." *Id.* at 679-80.

After the circuit court denied the motions to compel, on appeal from the State, the Court first reiterated that "Article 22 of the Maryland Declaration of Rights grants the same privilege against compulsory self-incrimination" and that the Court has "consistently construed Article 22 to be *in pari materia* with the fifth amendment" such that "Article 22 provides protection identical to that provided by the fifth amendment privilege." *Id.* at 683, n. 3. The Court then described, citing *Murphy* and *Kastigar*, that

> Despite this privilege, the government can compel a witness to testify if the witness obtains immunity coextensive with the privilege. The immunity must be granted by statute; a court has no inherent power to compel testimony in the face of a witness' claim of the fifth amendment privilege. To be valid, the statutory immunity must leave the government in substantially the same position with regard to prosecution of the witness as it would have been if the witness had asserted the privilege against self-incrimination. Three types of immunity are possible. Use immunity protects against the future use of the witness' compelled testimony in a criminal prosecution of the witness; use and derivative use immunity prohibit the use of the witness' testimony to uncover other evidence for use against the witness; and transactional immunity bars any future prosecution of the witness for offenses based on the compelled testimony. [. . .] To withstand a constitutional challenge, an immunity statute must provide either use and derivative use or transactional immunity.

Id. at 683-84 (internal citations omitted). The Court also noted the principle that "[i]n any subsequent prosecution of the witness, the government has the burden of demonstrating that its evidence is derived from a source wholly independent of the compelled testimony." *Id.* at 684, n. 4. Within this framework, the Court then analyzed the terms and history of § 262 and found that it conferred transactional immunity. *Id.* at 691. Because such immunity was even broader than the use and derivative use required under *Kastigar*, the Court concluded that § 262 was

constitutional and that, consequently, "it was error not to compel the witnesses' testimony before the Grand Jury." *Id.*

Three years after this decision, in 1989, the Maryland General Assembly enacted CJP § 9-123 as a general immunity statute for use in all criminal cases and investigations. The Legislature specified that the Act which added § 9-123 was

> FOR the purpose of authorizing certain prosecutors in certain circumstances to file a written motion for a court order compelling a witness to testify, produce evidence, or provide other information; specifying the effect of the order; prohibiting testimony or other evidence compelled under the order or certain information derived from the compelled testimony or evidence from being used against the witness except under certain circumstances; requiring a court under certain circumstances to issue an order requiring a witness to testify or provide other information upon request by a prosecutor; establishing procedures for enforcement of an order to testify or provide other information; defining certain terms; and generally relating to immunity for witnesses in proceedings before a court or grand jury.

1989 Md. Laws 289 (attached as State's Exhibit 1).

In relevant part, § 9-123 provides that "[i]f an individual has been . . . called to testify . . . in a criminal prosecution . . . , the court in which the proceeding is . . . held shall issue . . . an order requiring the individual to give testimony . . . which the individual has refused to give . . . on the basis of the individual's privilege against self-incrimination," provided that the prosecutor who seeks to compel the individual's testimony requests the order in writing after the prosecutor "determines that (1) [t]he testimony or other information from the individual may be necessary to the public interest; and (2) [t]he individual has refused or is likely to refuse to testify . . . on the basis of the individual's privilege against self-incrimination." CJP § 9-123(c)-(d). Such an order shall have the effect that (1) "the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination"; and that (2) "[n]o testimony . . . compelled under the order, and no information directly or indirectly derived from the testimony . . . , 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." CJP § 9-123(b).

By its very terms, CJP § 9-123 creates a general immunity scheme consistent with *Murphy* and *Kastigar* wherein self-incriminating testimony may be compelled by the State upon a grant of use and derivative use immunity. The statute does not distinguish between persons whose privilege against self-incrimination exists because of a possible criminal charge, a pending criminal charge, or a criminal conviction pending appeal—it applies to any "individual" who has been "called to testify or provide other information in a criminal prosecution," without consideration of the relationship between the individual and the particular prosecution at issue. CJP § 9-123(c). Though Maryland's appellate courts have yet to construe § 9-123 in a reported opinion, the Court of Appeals's analysis in *In re Criminal Investigation No. 1-162* that such a statute comports with both federal and Maryland self-incrimination jurisprudence leaves no doubt that § 9-123 would be upheld in the same manner as former Article 27, § 262.

In light of this established law, Officer Porter's argument is rendered baseless when he asserts that "calling [him] as a witness in two (2) trials about the same matters upon which he faces a pending manslaughter trial wreaks of impropriety" and "effectively renders the Fifth Amendment all but meaningless." Mot. to Quash at 12. Far from improper, the State's intended use of § 9-123 to compel Officer Porter epitomizes the Supreme Court's description of the historical need for a "rational accommodation between the imperatives of the privilege and the legitimate demands of government to compel citizens to testify" in cases precisely such as this wherein "the only persons capable of giving useful testimony are those implicated in the crime." *Kastigar*, 406 U.S. at 446. Moreover, Officer Porter's concerns about a possible federal prosecution following the disposition of his case in Maryland falls flat in the face of *Murphy*'s

square holding that federal prosecutors are absolutely barred from making any use of his testimony compelled in state court.

Though Officer Porter also claims that *Murphy*'s rationale relied on English common law principles of dual sovereignty and that Maryland common law maintains such principles under our Articles 5 and 22 of the Declaration of Rights, thereby rendering *Murphy* and *Balsys* inapplicable in Maryland, Mot. to Quash at 32-34, the Supreme Court in *Balsys* expressly disavowed this aspect of *Murphy*'s rationale while reaffirming *Murphy*'s primary rationale and holding that when the federal privilege against self-incrimination became binding upon the States by incorporation into the Fourteenth Amendment, "the state and federal jurisdictions were as one" from that point on such that the principles of dual sovereignty played no role in a self-incrimination analysis, 524 U.S. at 682-88. Officer Porter cites situations in which Maryland continues to recognize dual sovereign principles—Double Jeopardy, for example—but he ignores *In re Criminal Investigation No. 1-162*'s simultaneous embrace of *Murphy* and reiteration that Article 22 and the Fifth Amendment are construed *in pari materia.* 307 Md. at 683, n. 3.

Officer Porter further argues that *Kastigar* and § 9-123 cannot be applied to his particular situation because he contends that the State's use of a single prosecution team will inevitably taint his future retrial once those prosecutors are permitted to compel his testimony in Defendant Goodson's case about the facts of the common underlying incident. As an initial matter, this argument is premature and irrelevant to the question of whether his trial subpoena in this case should be quashed because it fails to consider that when Officer Porter faces retrial, the prosecutors will bear the burden under *Kastigar* to prove that their evidence does not derive from his compelled testimony. Of course, in meeting this burden, prosecutors will have the benefit of

a nearly two-week trial transcript and nearly eight months of discovery disclosures to demonstrate the lack of any taint from hearing his compelled testimony, but the mere possibility of future taint in no way prejudices Officer Porter with respect to his being compelled to testify now. Likewise, his concern that testifying against Defendant Goodson might affect his own retrial by causing additional publicity or increasing public condemnation so as to prejudice the potential jury pool are also hypothetical considerations for which the remedy, if any, entails additional voir dire or removal, but certainly not quashing a trial subpoena in a separate case. In short, both federal law and Maryland law unquestionably permit the State to compel testimony even from a person in Officer Porter's position, regardless of his pending criminal charge and regardless of the subject of his compelled testimony.

IV. Prosecutors' prior assertion that Officer Porter committed perjury during his trial does not change the analysis that his testimony may be compelled under § 9-123

Alternatively, Officer Porter attempts to escape operation of § 9-123 on his theory that because prosecutors previously asserted during Officer Porter's trial that he lied about certain facts under oath, the State may not compel his testimony given that such testimony could subject him to perjury charges despite immunity or could otherwise affect the fairness of Defendant Goodson's trial. Specifically, he asserts that any grant of immunity in this case would not be coextensive with his privilege against self-incrimination in that here two prosecutors in his trial argued that he lied based on his trial testimony so that repeating such testimony under compulsion would merely further incriminate him as to some future perjury charge that he believes the State would bring. Mot. to Quash at 13. This argument overlooks the limitations immunity imposes on compelled testimony and ignores the fact that Officer Porter would be compelled to testify to the truth, not compelled to perjure himself. As the Second Circuit

succinctly summarized, "the Fifth Amendment: (1) permits the unrestricted use of a witness's immunized testimony in a prosecution for perjury committed during the course of that immunized testimony; (2) does not permit a witness to invoke the privilege on the ground that he anticipates committing perjury sometime in the future; and (3) prohibits the use of immunized testimony in a prosecution for any offense—including perjury—committed before the grant of immunity if the witness would have had a valid claim of privilege absent the grant." *United State v. DeSalvo*, 26 F.3d 1216, 1221 (1994).

In other words, the State could not use Officer Porter's testimony in *State v. Goodson* to prove that he perjured himself in his own trial. Certainly, if Officer Porter testifies in his retrial in a manner materially inconsistent with his *Goodson* testimony, the State would be permitted to prosecute him for perjury; but this possibility poses no barrier to the application of § 9-123 and *Kastigar*'s principles because this Court's order would not be compelling Officer Porter to perjure himself in the future. That choice would be his own when and if that time comes. Indeed, *Kastigar*'s entire holding centered on a federal immunity statute, 18 U.S.C. § 6002, which, like § 9-123, contains an exception that compelled testimony may be used in a prosecution for perjury, yet the statute, even with this exception, was upheld as constitutional. 406 U.S. at 448-53. Moreover, the only case Officer Porter cites in support of this argument is *United States v. Kim*, 471 F. Supp. 467 (D.D.C. 1979), a two-page memorandum opinion in which a grant of use and derivative immunity under the unique facts of that case was deemed nevertheless insufficient for purposes of *Kastigar*. Even the *Kim* Court, however, in apparent recognition that it was departing from precedent, noted that "[t]he fact that a witness may be prosecuted for perjury has been repeatedly found to be an insufficient basis for refusing to testify on Fifth Amendment grounds after a Court has ordered immunity," *id.* at 469, hence the reason

that the decision turned on the fact that the Kim was pending sentencing for a recent perjury conviction and was compelled at the time to incriminate himself about the very facts underlying his perjury conviction, risking an increased sentence if he testified, *id.* at 468. *See also Graves v. United States*, 472 A.2d 395 (D.C. App. 1984) (declining to follow *Kim* in a case where a defendant pending trial was compelled to testify as a witness against his severed co-defendant).

Officer Porter also extends his argument about prosecutors' allegations of prior perjury into a purported basis to quash his trial subpoena on the notion that prosecutors would be "suborning perjury" by calling him as a witness in the *Goodson* trial or would be subject to being called as character witnesses at that trial to impeach the credibility of Officer Porter's testimony. Mot. to Quash at 22-27, 35-36. First, the State notes that these matters have no relevance to the question of some harm to Officer Porter sufficient to justify quashing his trial subpoena, nor does Officer Porter have standing to assert that his compelled testimony would harm Defendant Goodson in some way. Second, 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. Finally, the mere fact that prosecutors argued in Porter's trial that he lied about certain facts hardly qualifies them to opine with any "reasonable basis" about his general character or reputation for truthfulness under Rule 5-608. Thus, Officer Porter's alternative theory for avoiding § 9-123 fails to provide any actual basis for this Court to quash his trial subpoena.

Wherefore, the State asks that this Court deny Officer Porter's Motion to Quash his trial subpoena.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2016, a copy of the State's Response to the Motion to Quash Trial Subpoena of Officer William Porter was mailed and e-mailed to:

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(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) 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 SUBTITLE P. OF THE MARYLAND RULES.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 298(d) through (g), respectively, of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 298(c) through (f), respectively.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 19, 1989.

CHAPTER 289

(House Bill 1311)

AN ACT concerning

Witness Immunity - Crimes of Violence - Controlled Dangerous Substances

FOR the purpose of authorizing certain prosecutors in certain circumstances ~~involving--crimes--of--violence--and--certain controlled-dangerous-substance-offenses~~ to file a written motion for a court order compelling a witness to testify, produce evidence, or provide other information; specifying the effect of the order; prohibiting testimony or other evidence compelled under the order or certain information derived from the compelled testimony or evidence from being used against the witness except under certain circumstances; requiring a court under certain circumstances ~~involving crimes---of---violence---and--certain--controlled--dangerous substance-offenses~~ to issue an order requiring a witness to testify or provide other information upon request by a prosecutor; establishing procedures for enforcement of an order to testify or provide other information; defining certain terms; ~~making--technical--changes;~~ and generally relating to immunity for witnesses in proceedings ~~involving~~

~~crimes---of---violence---and--certain--controlled--dangerous substance-offenses~~ before a court or grand jury.

BY repealing and reenacting, with amendments,

~~Article-27---Crimes-and-Punishments~~
~~Section-298(c)~~
~~Annotated-Code-of-Maryland~~
~~(1987-Replacement-Volume-and-1988-Supplement)~~
Article 27 - Crimes and Punishments
Section 24, 39, and 400
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

BY repealing

Article 27 - Crimes and Punishments
Section 262, 298(c), 371, and 540
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments
Section 23
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

BY repealing and reenacting, with amendments,

Article 33 - Election Code
Section 26-16(c)
Annotated Code of Maryland
(1986 Replacement Volume and 1988 Supplement)

BY renumbering

Article 27 - Crimes and Punishments
Section 298(d) through (g), respectively
to be Section 298(c) through (f), respectively
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

BY adding to

Article - Courts and Judicial Proceedings
Section 9-123
Annotated Code of Maryland

(1984 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

23.

If any person shall bribe or attempt to bribe any executive officer of the State of Maryland, any judge, or other judicial officer of this State, any member or officer of the General Assembly of Maryland, any officer or employee of the State, or of any bi-county or multi-county agency in the State, or of any county, municipality or other political subdivision of the State, including members of the police force of Baltimore City and the State Police or any member or officer of any municipal corporation of this State, or any executive officer of such corporation, in order to influence any such officer or person in the performance of any of his official duties; and if the Governor or other executive officer of this State, any judge, or other judicial officer of this State, any member of the General Assembly of Maryland or officer thereof, any officer or any employee of the State, or of any bi-county or multi-county agency in the State, or of any county, municipality or other political subdivision of the State, including members of the police force of Baltimore City and the State Police or any member or officer of any municipal corporation, or mayor or other executive officer thereof in this State shall demand or receive any bribe, fee, reward or testimonial for the purpose of influencing him in the performance of his official duties, or for neglecting or failing to perform the same, every such person so bribing or attempting to bribe any of such officers or persons, and every such person so demanding or receiving any bribe, fee, reward, or testimonial shall be deemed guilty of bribery, and on being convicted thereof shall be fined not less than $100 nor more than $5,000, or, in the discretion of the court, shall be sentenced to be imprisoned in the penitentiary of this State for not less than two nor more than 12 years, or both fined and imprisoned, and shall also be forever disfranchised and disqualified from holding any office of trust or profit in this State; and any person so bribing or attempting to bribe or so demanding or receiving a bribe shall be a competent witness, and compellable to testify against any person or persons who may have committed any of the aforesaid offenses; provided, that any person so compelled to testify in behalf of the State in any such case shall be exempt from prosecution, trial and punishment for any such crime of which such person so testifying may have been guilty or a participant therein, and about which he was so compelled to testify.

24.

Any person or persons who shall bribe or attempt to bribe any persons participating in or connected in any way with any athletic contest held in this State shall be deemed guilty of bribery, and on being convicted thereof shall be fined not less than one hundred dollars ($100.00) nor more than five thousand ($5,000.00), or, in the discretion of the court shall be sentenced to be imprisoned in the penitentiary of this State for not less than six months nor more than three years, or both fined and imprisoned[; and any person so bribing or attempting to bribe or so demanding or receiving a bribe shall be a competent witness, and compellable to testify against any person or persons who may have committed any of the aforesaid offenses; provided, that any person so compelled to testify in any such case shall be exempt from trial and punishment for the crime of which such person so testifying may have been a participant].

39.

No person shall refuse to testify concerning the crime of conspiring to commit any of the offenses set forth in § 23 of this article, [subtitle "Bribery; Obstructing Justice", or set forth under the subtitle "Gaming" of this article or set forth under the subtitle "Lotteries" of this article,] and any person shall be a competent witness and compellable to testify against any person or persons who may have conspired to commit any of the aforesaid offenses, provided that any person so compelled to testify in behalf of the State in any such case, shall be exempt from prosecution, trial and punishment for any and all such crimes and offenses of which such person so testifying may have been guilty or a participant or a conspirator therein and about which he was so compelled to testify.

[262.

No person shall refuse to testify concerning any gaming or betting because his testimony would implicate himself and he shall be a competent witness and compellable to testify against any person or persons who may have committed any of the offenses set forth under this subtitle, provided that any person so compelled to testify in behalf of the State in any such case shall be exempt from prosecution, trial and punishment for any and all such crimes and offenses of which such person so testifying may have been guilty or a participant and about which he was so compelled to testify.]

298.

[(c) No person shall, upon pain of contempt of court, refuse to testify concerning any violations of the provisions of this subheading because his testimony might tend to incriminate him or implicate him in such violations ~~[~~and every~~]~~ ~~.~~ EVERY such person shall be a competent witness and compellable to testify against any person who may have committed any of the

offenses set forth under this subheading~~[~~, provided that~~]~~~~:~~ ~~EXCEPT AS OTHERWISE PROVIDED UNDER § 9-123 OF THE COURTS ARTICLE,~~ any person so compelled to testify on behalf of the State in any such case shall be exempt from prosecution, trial, and punishment for any and all such crimes and offenses about which such person was so compelled to testify.]

[371.

No person shall refuse to testify concerning any lotteries because his testimony would implicate himself and he shall be a competent witness and compellable to testify against any person or persons who may have committed any of the offenses set forth under this subtitle, provided that any person so compelled to testify in behalf of the State in any such case shall be exempt from prosecution, trial and punishment for any and all such crimes and offenses of which such person so testifying may have been guilty as a participant therein and about which he was so compelled to testify.]

400.

[(a)] It is unlawful for any person under the age of 21 years to knowingly and willfully make any misrepresentation or false statement as to the person's age and, by reason of the misrepresentation or false statement, obtain any alcoholic beverages from any person licensed to sell alcoholic beverages under the laws of this State.

[(b) The testimony given by a person under 21 years of age in the prosecution of any person for unlawfully selling alcoholic beverages to persons under 21 years of age may not be used against the person giving the testimony in prosecuting that person for violations of this section.]

[540.

No person shall be excused from attending and testifying, or producing any books, papers, or other documents before any court, or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this subtitle or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the State may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.]

Article 33 - Election Code

26-16.

(c) It shall be the duty of the State's Attorney of Baltimore City and of the State's Attorney of each county of this State to prosecute, by the regular course of criminal procedure, any person whom he may believe to be guilty of having wilfully violated any of the provisions of this section within the city or county for which said State's Attorney may be acting as such. [In any criminal prosecution under this subtitle or for violation of any of the provisions thereof, no witness, except the person who is accused and on trial, shall be excused from answering any question or producing any book, paper or other thing on the ground or claim that his answer, or the thing produced or to be produced, by him may tend to incriminate or degrade him, or render him liable to a penalty, provided that any person answering such a question or so producing a thing shall be exempt from prosecution, trial and punishment for any offense of which that person may have been guilty or a participant therein, and about which he gives such an answer or so produces a thing, except in a prosecution for perjury in so testifying.]

Article - Courts and Judicial Proceedings

9-123.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) "COURT" MEANS A CIRCUIT COURT.~~

~~(3)~~ (2) "OTHER INFORMATION" INCLUDES ANY BOOK, PAPER, DOCUMENT, RECORD, RECORDING, OR OTHER MATERIAL.

~~(4)~~ (3) "PROSECUTOR" MEANS:

(I) THE STATE'S ATTORNEY FOR A COUNTY;

(II) A DEPUTY STATE'S ATTORNEY;

~~(III) THE STATE PROSECUTOR APPOINTED UNDER ARTICLE 10, § 33 OF THE CODE;~~

~~(IV)~~ (III) THE ATTORNEY GENERAL OF THE STATE; OR

~~(V)~~ (IV) A DEPUTY ATTORNEY GENERAL OR DESIGNATED ASSISTANT ATTORNEY GENERAL.

(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, ~~INVOLVING A CRIME OF VIOLENCE, AS DEFINED IN ARTICLE 27, § 643B OF THE CODE, OR AN OFFENSE UNDER ARTICLE 27, § 286 OR § 286A OF THE CODE,~~ 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) 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, ~~INVOLVING A CRIME OF VIOLENCE, AS DEFINED IN ARTICLE 27, § 643B OF THE CODE, OR AN OFFENSE UNDER ARTICLE 27, § 286 OR § 286A OF THE CODE,~~ 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. 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.

(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 SUBTITLE P. OF THE MARYLAND RULES.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 298(d) through (g), respectively, of Article 27 - Crimes and Punishments

of the Annotated Code of Maryland be renumbered to be Section(s) 298(c) through (f), respectively.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 19, 1989.

CHAPTER 290

(House Bill 359)

AN ACT concerning

Motorcycles - Driver's License - Minors - Motorcycle Safety Course

FOR the purpose of prohibiting the Motor Vehicle Administration from issuing to an individual under a certain age a license to drive a motorcycle unless the individual has completed satisfactorily a certain motorcycle safety course.

BY repealing and reenacting, with amendments,

Article - Transportation
Section 16-103
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Transportation

16-103.

(a) Except as provided in subsection (b) of this section, the Administration may not issue a driver's license to any individual who is not at least 18 years old.

(b) (1) [The] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE Administration may issue a Class B, D, or E license to an individual under the age of 18, if he is at least 16 years old and has completed satisfactorily a driver's education course approved under Subtitle 5 of this title.

EXHIBIT 2

STATE OF MARYLAND * IN THE

* CIRCUIT COURT FOR

v. * BALTIMORE CITY

CAESAR GOODSON * Case No. 115141032

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

ORDER

On January 6, 2016, this Court granted the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article. By this Court's order, Officer William Porter, D.O.B. 6/26/1989 is ordered to testify as a witness for the State in the above-captioned case and may not refuse to comply with this Court's order on the basis of his privilege against self-incrimination. This Court further ordered that no testimony of Officer William Porter, compelled pursuant to the Court's order, and no information directly or indirectly derived from the testimony of Officer Porter compelled pursuant to the Court's 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.

On January 7, 2016, this Court received Witness William Porter's Motion for Injunction Pending Appeal, asking this Court to stay its ruling pending Officer Porter's interlocutory appeal in this matter.

Having reviewed the motion, it is this 7th day of January, 2016, hereby

ORDERED that Witness William Porter's Motion for Injunction Pending Appeal is **DENIED**.

TRUE COPY
TEST
LAVINIA G. ALEXANDER, CLERK

Judge Barry G. Williams
Circuit Court for Baltimore City
[illegible] appears on the original document

BARRY G. WILLIAMS
JUDGE, CIRCUIT COURT FOR
BALTIMORE CITY

CIRCUIT COURT FOR BALTIMORE CITY
1983

Clerk, please mail copies to the following:
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