

RECEIVED FOR RECORD  
DISTRICT COURT FOR  
BALTIMORE CITY

2016 JUL 15 A 11: 53

STATE OF MARYLAND,

Plaintiff,

v.

GARRETT MILLER

Defendant.

\* IN THE  
CRIMINAL DIVISION \*  
\* CIRCUIT COURT  
\*  
\* FOR  
\* BALTIMORE CITY  
\*  
\* Case No. 115141034

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CRIMINAL DIVISION

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BALTIMORE CITY

\* \* \* \* \*

**ADMINISTRATIVE DISTRICT COURT COMMISSIONER  
LINDA LEWIS' MOTION TO QUASH SUBPOENA  
AND FOR PROTECTIVE ORDER**

Administrative District Court Commissioner Linda Lewis, through her undersigned counsel, pursuant to Rule 4-266(c), moves to quash the subpoena directed to her and for a protective order, for the following reasons:

1. Defendant, Garrett Miller, has caused a subpoena to be issued compelling Administrative District Court Commissioner Linda Lewis, District Court of Maryland for Baltimore City, to personally appear and testify at Defendant's criminal trial scheduled for July 27, 2016, at 9:30 a.m. (Exhibit 1).

2. The case in which the subpoena is issued involves a criminal case in which the Defendant, a Baltimore City police officer, is charged in connection with the arrest of Freddie Grey, Jr. Baltimore City police officers Alicia White, Caesar Goodson, Jr., William Porter, Edward Nero and Brian Rice are also charged in connection with Mr. Grey's arrest.

3. The connection between the criminal matter that is the subject of this trial

and Commissioner Lewis derives from the exercise of her judicial functions; Commissioner Lewis issued Edward Nero and Alicia White's statement of charges and arrest warrants. (Exhibit 2); (Exhibit 3).

4. In determining if an employee of the court has performed a judicial act, the court uses a functional analysis in considering "whether [the act] is a function normally performed by a judge" and "[the parties] dealt with the judge in his [or her] judicial capacity," *Parker v. State*, 337 Md. 271, 290 (1995) (quoting *Stump v. Sparkman*, 435 U.S. 349, 356-64 (1978)), or whether the act performed by court personnel is "integral to the judicial process." *Briscoe v. LaHue*, 460 U.S. 325, 335 (1983).

5. Court commissioners are judicial officers and, therefore, integral to the judicial process. Md. Rule 4-102(f) ("Judicial Officer" means a judge or District Court commissioner.") The Court of Appeals has held that "it is beyond question that Commissioners of the District Court of Maryland are judicial officers in name and in fact. The Maryland Rules so designate them. ... Their duties are those which may also be exercised by District Court Judges. They are, in the true sense of the term, 'judicial officers,' and they perform judicial functions." *State v Smith*, 305 Md. 489, 517 (1986). By statute, "[a] commissioner shall receive applications and determine probable cause for the issuance of charging documents," Md. Code Ann. Cts. & Jud. Proc. ("CJP") § 2-607(c)(1), "warrant[s], or criminal summons" CJP § 2-607(c)(2), and "set bond ... or release ... [an individual] on personal recognizance." *Id.* Rule 4-211(b)(1) provides that "a judicial officer may file a statement of charges in the District Court against a defendant

