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CIRCUIT COURT  
BALTIMORE CITY  
CRIMINAL DIVISION

STATE OF MARYLAND

\* IN THE

v.

\* CIRCUIT COURT

OFFICER GARRETT MILLER

\* FOR

Defendant

\* BALTIMORE CITY

\* CASE NO. 115141034

\* \* \* \* \*

**MOTION TO DISMISS FOR FAILURE TO CHARGE A CRIME**

Defendant Officer Garrett Miller, by respective undersigned counsel, hereby moves pursuant to Maryland Rule 4-252(d) to dismiss Count IV (Reckless Endangerment) for failure to charge a crime. In support thereof, Defendant states the following:

1. On May 21, 2015, a grand jury sitting in the Circuit Court for Baltimore City returned an indictment against the Defendant. The indictment included the following counts: Count I – Assault in the Second Degree; Count II – Misconduct in Office; Count III – Misconduct in Office; and Count IV – Reckless Endangerment.
2. On June 8, 2015, and in Response to Defendant’s Demand for Bill of Particulars, the State indicated that Count IV (reckless endangerment) was based solely on the Defendant’s failure to seatbelt Mr. Gray in a police transport van.
3. Reckless endangerment, based solely upon the alleged failure of a police officer to seatbelt a prisoner during transport, is not a crime in the State of Maryland. In support, Defendant incorporates by reference, as if fully stated herein, Defendant Lt. Brian Rice’s Motion to Dismiss for Failure to Charge a Crime.

**WHEREFORE**, Defendant respectfully requests this Honorable Court, pursuant to Maryland Rule 4-252(d), to dismiss Count IV (Reckless Endangerment) for failure to charge a crime.

Respectfully submitted,



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Catherine Flynn, Esquire  
Mead, Flynn, & Gray, P.A.  
One North Charles Street, Suite 2470  
Suite 2470  
Baltimore, Maryland 21201  
(410) 727-6400



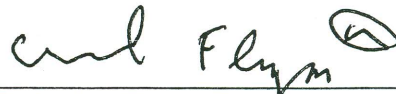
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(410) 727-6400

*Attorneys for the Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of September, 2015, a copy of Defendant Officer Garrett Miller's Motion to Dismiss for Failure to Charge a Crime was hand delivered to Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City, 120 East Baltimore Street, 9<sup>th</sup> Floor Baltimore, Maryland 21202.



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Catherine Flynn, Esquire

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BALTIMORE CITY  
CRIMINAL DIVISION

\* \* \* \* \*

**REQUEST FOR HEARING**

Defendant Officer Garrett Miller respectfully requests a hearing on his Motion to Dismiss for Failure to Charge a Crime.

  
Catherine Flynn, Esquire

STATE OF MARYLAND

v.

OFFICER GARRETT MILLER

Defendant

\* IN THE  
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\* CASE NO. 115141034

\* \* \* \* \*

**ORDER**

Upon consideration of Defendant Officer Garrett Miller's Motion to Dismiss for Failure to Charge a Crime, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2015, pursuant to Maryland Rule 4-252(d), hereby **ORDERED** that the Defendant's Motion is **GRANTED**, and it is further **ORDERED** that Charge Number Four of Reckless Endangerment is **DISMISSED**.

\_\_\_\_\_  
Judge