

MAY 11 2016

Criminal Div.  
Circuit Court For  
Baltimore City

STATE OF MARYLAND

\* IN THE

v.

\* CIRCUIT COURT FOR

\* BALTIMORE CITY

GARRETT MILLER

\* Case No. 115141034

\* \* \* \* \*

ORDER

On January 14, 2016, the State filed its written Motion to Compel a Witness to Testify Pursuant to § 9-123 of the Courts and Judicial Proceedings Article, in which the State requested this Court to issue an order requiring Officer William Porter, D.O.B. 6/29/1989, to give testimony in the case of *State v. Miller*, Case No. 115141034. The State has determined that the testimony of Officer William Porter may be necessary to the public interest in the case of *State v. Miller*. The State has also determined that Officer William Porter is likely to refuse to testify in the case of *State v. Miller* on the basis of his privilege against self-incrimination. For these reasons, the State seeks to compel the testimony of Officer Porter. On January 19, 2016, Officer William Porter, through counsel, filed his Opposition to the State’s Motion to Compel a Witness to Testify Pursuant to § 9-123 of the Courts and Judicial Proceedings Article, in which he indicated that he would refuse to testify in *State v. Miller*.

At a hearing on January 20, 2016, this Court denied the State’s Motion to Compel. The State filed Notice of Appeal to the Court of Special Appeals on February 4, 2016, followed by a petition for writ of certiorari to the Court of Appeals. On March 8, 2016, the Court of Appeals issued an order reversing this Court’s order denying the

State's Motion to Compel and remanded the case back to the Circuit Court for entry of an order granting the motion.

Based on the motions presented and pursuant to the order of the Court of Appeals, this Court finds that the State's written motion to compel the testimony of Officer William Porter in *State v. Miller* complies with the requirements of § 9-123 of the Courts and Judicial Proceedings Article. Therefore, it is this 11 day of May, 2016, by the Circuit Court for Baltimore City, hereby

**ORDERED** that the State's Motion to Compel a Witness to Testify Pursuant to § 9-123 of the Courts and Judicial Proceedings Article is **GRANTED**, and further

**ORDERED** that Officer William Porter, D.O.B. 6/29/1989, shall testify as a witness for the State in the case of *State v. Miller*, Case No. 115141034 and may not refuse to comply with this Order on the basis of his privilege against self-incrimination, and further

**ORDERED** that no testimony of Officer William Porter, D.O.B. 6/29/1989, compelled pursuant to this Order, and no information directly or indirectly derived from the testimony of Officer William Porter compelled pursuant to this Order, may be used against Officer William Porter in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order.

JUDGE'S SIGNATURE \_\_\_\_\_  
APPEARS ON ORIGINAL DOCUMENT \_\_\_\_\_  
BARRY G. WILLIAMS  
JUDGE, CIRCUIT COURT FOR  
BALTIMORE CITY

Clerk, please mail copies to the following:

Catherine Flynn, Attorney for Garrett Miller

Joseph Murtha, Attorney for William Porter

Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore  
City