

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY

2016 FEB 12 P 2 18

STATE OF MARYLAND

v.

GARRETT MILLER

CRIMINAL DIVISION

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141034

* * * * *

**STATE'S MOTION IN LIMINE TO ALLOW THE STATE TO PRESENT MEDICAL
EXPERT TESTIMONY TO PROVE THAT THE DEFENDANT'S CONDUCT
CREATED A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY**

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 4-252(d) respectfully moves this Court *in limine* to issue a pretrial order confirming that the State will be permitted to present medical expert testimony to prove that the Defendant's conduct created a substantial risk of death or serious physical injury to the victim in this case within the meaning of the reckless endangerment statute, Criminal Law Article § 3-204. In support of this Motion, the State avers the following:

1. Count 4 of the above-captioned indictment charges the Defendant with violating the reckless endangerment statute, Criminal Law Article § 3-204. On September 11, 2015, the Defendant filed a motion to dismiss this count in which he asserted that his alleged conduct could not as a matter of law create the type of risk needed to sustain a reckless endangerment conviction. The State filed a response to this motion on September 28, 2015, outlining the motion's lack of merit and procedural impropriety.
2. To carry its burden at trial on this count, the State intends to present medical expert testimony to prove that the Defendant did in fact create a substantial risk of death or serious physical injury to the victim in this case. The Defendant has disclosed that he

