

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY

STATE OF MARYLAND

2016 APR 18 P 12:32

v.

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

GARRETT MILLER

* * * * *

STATE'S MOTION TO QUASH THE SUBPOENA DUCES TECUM SERVED ON ASSISTANT STATE'S ATTORNEY PATRICK MOTSAI

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 4-266(c), for the reasons outlined below, moves this Court to quash a defense subpoena served on Assistant State's Attorney Patrick Motsay compelling him to testify and to produce various records at the July 27, 2016, trial of the Defendant:

1. On April 11, 2016, the Defendant served a subpoena duces tecum on Assistant State's Attorney Patrick Motsay, who is the chief of the Charging Division for the Office of the State's Attorney for Baltimore City. The subpoena, attached herein as State's Exhibit 1, compels Mr. Motsay to appear and testify at the upcoming July 27, 2016, trial and to produce and permit inspection and copying of "[a]ll records of all cases reviewed by the SAO at CBIF from January 1, 2015, through July 1, 2015, including the charges presented, the charges declined, and the charges that were forwarded for prosecution."

2. Rule 4-265 provides each party with the broad right to subpoena witnesses for trial. That right, however, is not unqualified. Rather, the right to compulsory process "is only assertable where the witnesses to be called will offer competent and material testimony." *Darby v. State*, 47 Md. App. 1, 5 (1981). Where "the testimony sought to

