

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY

STATE OF MARYLAND

2016 APR 18 P 10:30 AM

v.

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

GARRETT MILLER

* * * * *

STATE'S MOTION TO QUASH THE SUBPOENA SERVED ON ASSISTANT STATE'S ATTORNEY PAUL O'CONNOR

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 Paul O'Connor compelling him to appear and to testify at the July 27, 2016, trial of the Defendant:

1. On April 11, 2016, the Defendant served a subpoena on Assistant State's Attorney Paul O'Connor, who is the chief of the District Court Division for the Office of the State's Attorney for Baltimore City. The subpoena, attached herein as State's Exhibit 1, compels Mr. O'Connor to appear and testify at the upcoming July 27, 2016, trial.

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 be elicited [is] irrelevant to the issues" in the case, enforcing subpoenas would serve "no useful purpose, but instead would only [waste] the resources of the State." *Id.* at 8-9. To that end, Rule 4-266 permits a party for good cause shown to move to quash a subpoena

