

2016 APR 21 A 9:34

CRIMINAL DIVISION

IN THE MATTER OF * IN THE
OFFICER GARRETT MILLER'S * CIRCUIT COURT FOR
TESTIMONY AS A STATE'S WITNESS * BALTIMORE CITY
IN THE CRIMINAL PROSECUTION OF * No. 992
STATE V. EDWARD NERO *

* * * * *

ORDER

On March 31, 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 requests this Court to issue an order requiring Officer Garrett Miller, D.O.B. 3/12/1989, to give testimony in the case of *State of Maryland v. Edward Nero*, Case No. 115141033. The State has determined that the testimony of Officer Garrett Miller may be necessary to the public interest in the case of *State v. Nero*. The State has also determined that Officer Garrett Miller is likely to refuse to testify in the case of *State v. Nero* on the basis of his privilege against self-incrimination. For these reasons, the State seeks to compel the testimony of Officer Miller.

On April 14, 2016, Officer Garrett Miller, through counsel, filed his Objection to the State's Motion to Compel Testimony. Counsel for Officer Garrett Miller believes that the State will allege that the Statement of Probable Cause drafted by Officer Miller was not truthful and if the State maintains its position regarding the Statement of Probable Cause, it would be inappropriate to call him as a witness in the State's case-in-chief.

Based on the motion presented, this Court finds that the State's written motion to compel the testimony of Officer Garrett Miller in *State v. Nero* complies with the

requirements of § 9-123 of the Courts and Judicial Proceedings Article. Officer Garrett Miller, through counsel at a hearing on April 20, 2016, indicated that he would refuse to testify in *State v. Nero* on the basis of his privilege against self-incrimination. Therefore, it is this ____ day of April, 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 Garrett Miller, D.O.B. 3/12/1989, shall testify as a witness for the State in the case of *State of Maryland v. Edward Nero*, Case No. 115141033 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 Garrett Miller, D.O.B. 3/12/1989, compelled pursuant to this Order, and no information directly or indirectly derived from the testimony of Officer Garrett Miller compelled pursuant to this Order, may be used against Officer Garrett Miller in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order.

Judge Barry G. Williams

Judge's Signature appears on the
original document

BARRY G. WILLIAMS
JUDGE, CIRCUIT COURT FOR
BALTIMORE CITY

Clerk, please mail copies to the following:

Marc Zayon, Attorney for Edward Nero

Catherine Flynn, Attorney for Garrett Miller

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