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STATE OF MARYLAND

* IN THE
* CIRCUIT COURT FOR
* BALTIMORE CITY

v.

OFFICER EDWARD NERO

* CASE NO. 115141033

* * * * *

DEFENDANT EDWARD NERO'S OPPOSITION TO THE STATE'S MOTION TO COMPEL A WITNESS TO TESTIFY PURSUANT TO SECTION 9-123 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE

Defendant Edward Nero, by undersigned counsel, hereby files this Response in Opposition to the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article. In support thereof, Defendant Nero states as follows:

1. On January 14, 2015, for the first time since the inception of the prosecution of these matters, the State asserted that it **may** call Officer William Porter to testify as a witness during the trial of Defendant Nero because Officer Porter's testimony "**may** be necessary to the public interest."
2. Beyond this bare assertion, the State provides absolutely no proffer in its two-page Motion as to why Officer Porter's testimony is either material or necessary to the trial of Defendant Nero, or how it is necessary to serve the public interest.
3. This request comes days after the Court of Special Appeals' injunction staying the trial of Officer Goodson, and a likely injunction staying the trial of Sergeant White. Both injunctions are the result of the State's characterization of Officer Porter as a material and necessary witness for the trials of Officer Goodson and Sergeant White, as well as the need to clarify the issues concerning Officer Porter's compelled testimony.
4. The State now attempts to place the Defendant's case in the same posture as those matters in an attempt to require a stay of this trial.

