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STATE OF MARYLAND

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY

v.

Criminal Div.
Circuit Court For
Baltimore City

EDWARD NERO

CASE No. 115141033

* * * * *

STATE'S REPLY TO DEFENDANT'S RESPONSE TO STATE'S MOTION TO QUASH THE SUBPOENA SERVED ON ASSISTANT STATE'S ATTORNEY JESSICA PAUGH¹

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 replies as follows to the Defendant's Response to the State's Motion to quash a defense subpoena served on Assistant State's Attorney Jessica Paugh compelling her to testify at the May 10, 2016, trial of the Defendant:

1. On April 22, 2016, the Defendant responded to the State's Motion to quash the trial subpoena he served on Assistant State's Attorney Jessica Paugh. Regarding the relevance of Ms. Paugh's testimony, the Defendant specified that he intends to offer Ms. Paugh as part of a strategy amounting to a selective prosecution claim, arguing that a key question in this case asks, "whether a proper or improper probable cause decision was made regarding the spring assisted knife carried by Mr. Gray." Def. Resp. at 3. The Defendant avers that Ms. Paugh's testimony "will show that both before and after Nero's arrest, the Office of the State's Attorney for Baltimore City has continued to consistently find that probable cause exists to prosecute individuals who have been arrested with spring assisted knives." Def. Resp. at 3. The Defendant contends that Ms. Paugh's

¹ The Defendant served subpoenas on multiple Assistant State's Attorneys. Because the subpoenas to those attorneys are identical, with the exception of the subpoena to ASA Motsay, the State's Replies are identical, with the exception of the Reply concerning Mr. Motsay.

