

STATE OF MARYLAND

2015 APR 10 P 12:31

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY

v.

*
CRIMINAL DIVISION

EDWARD NERO

CASE No. 115141033

* * * * *

**STATE’S MOTION TO QUASH THE SUBPOENA SERVED ON ASSISTANT STATE’S
ATTORNEY TERENCE NASH**

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 Terence Nash compelling him to appear and to testify at the May 10, 2016, trial of the Defendant:

1. On April 11, 2016, the Defendant served a subpoena on Assistant State’s Attorney Terence Nash, who is the chief of the Misdemeanor Jury Trial Division for the Office of the State’s Attorney for Baltimore City. The subpoena, attached herein as State’s Exhibit 1, compels Mr. Nash to appear and testify at the upcoming May 10, 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

