

STATE OF MARYLAND

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IN THE

WILLIAM PORTER

*

FOR BALTIMORE CITY

CASE NO(S). 115141037

*

Criminal Division

2013 OCT 13 PM 1:45

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CIRCUIT COURT
BALTIMORE CITY
CRIMINAL DIVISION

MOTION FOR SUMMONS OF OUT OF STATE WITNESS

The Defendant, by undersigned counsel, moves this Honorable Court to issue the attached order, pursuant to MD Code Courts and Judicial Proceedings § 9-303 and Title 42 Pa.C.S.A Judiciary and Judicial Procedure § 5974 (a), certifying that DONTA ALLEN is a material witness in the Defendant's case and that his presence as a witness is required at trial and states in support of:

1. That the Defendant is charged with Manslaughter, 2nd Degree Assault, Misconduct in Office and Reckless Endangerment as a result of his alleged involvement in the arrest and subsequent death of Freddie Gray.
2. That it is alleged that the victim, Freddie Gray, sustained injuries during his transport in a police transport van.
3. That the requested witness, Donta Allen, was a passenger in the same transport vehicle as the victim during the ride that allegedly caused Mr. Gray's injuries.
4. That the requested witness, Donta Allen, gave statements to police investigators regarding his observation of Mr. Gray's actions during the transportation.
5. That the requested witness' observations of Mr. Gray during his transportation and his subsequent statements to investigators regarding those observations make him a material witness in this matter.
6. That the requested witness is currently being held in York County Prison in York, Pennsylvania and his offender number is 213834.
7. That the Commonwealth of Pennsylvania allows that upon certification by a judge of another state court that a person confined within the Commonwealth who may be a material witness in a criminal proceeding and whose presence will be required during a specified time a court

having jurisdiction over the person confined and upon notice to the Bureau of Correction, the court shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before it at the hearing. 42 Pa.C.S.A. § 5974.

WHEREFORE, the Defendant respectfully requests that this court grant the attached order certifying that Mr. Donta Allen is a material witness in this matter and that his presence is required for trial so that the certification can be presented to the District Court/Court of Common Pleas for the Commonwealth of Pennsylvania, County of York in order for a hearing to be granted to request an order directing the York County Prison to produce Mr. Donta Allen, ID # 213834 on or before November 30, 2015 and every day following until a verdict or a judgment has been reached in this matter.

Respectfully submitted,



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Counsel for Officer William Porter.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on the 13th day of October 2015, a copy of the foregoing Motion was mailed to **Janice Bledsoe, Assistant State's Attorney for Baltimore City**, 120 E. Baltimore Street, 10th Floor, Baltimore, Maryland 21202.



JOSEPH MURTHA, ESQ.

STATE OF MARYLAND

v.

WILLIAM PORTER

CASE NO(S). 115141037

* * * * *

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Criminal Division

ORDER

ORDERED this ___ day of _____, 2015, by this Honorable Court that, pursuant to MD Code § 9-303 and Title 42 Pa.C.S.A Judiciary and Judicial Procedure § 5974 (a) that Donta Allen, ID # 213834, who is currently being held in York County Prison, has been found to be a material witness in the matter of State v. William Porter, Baltimore City Case Number 115141036 and that his presence will be required in Part 31, Room 528, Courthouse East, 111 N. Calvert Street, Baltimore, Maryland 21202 on November 30, 2015 at 9:30am.

That it is further ORDERED that Mr. Donta Allen will be required to remain available for testimony until a verdict or judgment has been reached in this matter.

That it is further ORDERED that the Baltimore City Sheriff’s Department and/or the Baltimore City Police Department be assigned to pick up, transport, and maintain custody of the witness throughout the trial as well as return the witness to the Bureau of Corrections in the Commonwealth of Pennsylvania at the conclusion of the trial.

That it is further ORDERED that during the trial, Mr. Allen be held in a correctional facility in the in the Baltimore area.

Judge