STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
	*	
BRIAN RICE	*	CASE No. 115141035

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STATE'S RESPONSE TO DEFENDANT'S SUPPLEMENT TO DEFENDANTS' JOINT MOTION TO COMPEL AND FOR SANCTIONS[1]

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 responds to the Defendant's Supplement to Defendants' Joint Motion to Compel and for Sanctions.

Introduction

The Defendants' Supplement reads like the very type of pleading this Court requested that the Parties not file. Once more the Defendants have used a public pleading not to raise a legitimate dispute for this Court's resolution but to offer the media additional fodder to drive the Defendants' narrative of this case. Once more the Defendants have publicly villainized the victim before trial, blaming him for his own injuries and calling him a criminal. And once more the Defendants have argued for sanctions against the State without any reasonable foundation of

[1] For record clarity, this Response is made to a Supplement to a July 30, 2015, defense pleading jointly filed and jointly captioned in case numbers 115141032-037. The cases are not joined for trial, nor are all of the Defendants charged with the same crimes. Because, however, the Supplement refers to the Defendants in the plural and draws no distinction between the differences of proof in the Defendants' separate trials as it bears on the discoverability of information in their cases, the State's Responses in the six cases are identical in substance and refer to the Defendants in the plural rather than the singular, except in Part II.B. below. Nothing in this Response should be construed to abandon arguments set forth in the State's August 6 Response to the July 30 defense Motion. The Defendants did not then and have not now shown cause for the untimeliness of their Motion to Compel, despite protesting that the State has provided supplemental discovery after the June 26 deadline for initial disclosures.

law or fact, opting instead to rely on the strength of slandering prosecutors and using conclusory terms like "exculpatory" with no basis or explanation. When reduced to its merits, however, the Defendants' Supplement provides no grounds for the relief it seeks and amounts to a generalized complaint that the State has continued to update its disclosures as this complicated litigation has advanced toward trial. The Defendants misrepresent the State's discovery obligations and disclosures to date, repeatedly label information as "exculpatory" without any apparent regard for the actual meaning of the word, fail to distinguish material from immaterial information given the crimes charged, and speciously reason that the State's supplemental disclosures demonstrate suppression of discoverable material, when in fact they show the opposite—that the State has provided information far beyond that required by law in an abundance of caution and in the vain hope of avoiding this exact type of discovery dispute.

I. The fundamental principles of the discovery process in criminal cases

A. Maryland law affords the Defendants fair access but not full access to the State's information and does not favor sanctions for minor, nonprejudicial discovery violations

As the Maryland Court of Appeals has described, "[t]he purpose of discovery is to avoid surprise at trial and to give the defendant sufficient time to prepare a defense." *Hutchinson v. State*, 406 Md. 219, 227 (2008). Maryland's criminal discovery practice aims at "providing adequate information to both parties to facilitate informed pleas, ensuring thorough and effective cross-examination, and expediting the trial process by diminishing the need for continuances to deal with unfamiliar information presented at trial." *Williams v. State*, 364 Md. 160, 172 (2001). Although Maryland at one time permitted a criminal defendant to discover "all relevant materials held by the State," starting in 1977 the Court moved to a discovery policy "strictly limiting the