STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
	*	CASE No. 115141036
ALICIA WHITE	*	(Filed under seal)

* * * * * * * * * * * * *

STATE'S MOTION FOR APPROPRIATE RELIEF UNDER SEAL

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 respectfully moves this Court for appropriate relief under seal as set forth below.

I. Background

On October 14, 2015, this Court granted in part the Defendant's Motion to Compel Discovery and ordered the State to "provide counsel for the [Defendant], as officers of the court, for use in their preparation for trial, with copies of any and all documents pertaining to the investigation and prosecution of the [Defendant], with the exception of attorney work product items created after May 1, 2015." For a period commencing on October 27 and ending on November 4, the State made available to defense counsel all of the documents covered by the Court's Order. These documents included over 3,500 emails and attachments from the network computer accounts of 13 members of the Office of the State's Attorney, nearly 1,500 non-email documents, as well as 52 multi-media files (CCTV, interview recordings, etc.), many of which, of course, had already been provided in discovery.

II. The Relief Requested

Counsel have now finished their review of these documents and have specified over 3000 pages of various materials they requested that the State provide (including an inexplicable

request for duplication of a substantial portion of the June 26 original discovery), all of which the State is mailing to counsel except items previously provided in discovery and a small fraction of items that comprise the subject of this Motion. Having facilitated counsel's examination of these documents as officers of the court, the State now respectfully requests that this Court review these remaining documents *in camera* and order that copies of these documents need not be provided to the Defendant's counsel. These items fall into the following categories: (A) documents that constitute attorney work product and/or executive deliberations; (B) documents related to the interaction between the Office of the State's Attorney and the Press; (C) State's Attorney Marilyn Mosby's May 1, 2015, public schedule and draft statements; (D) drafts of the Statement of Probable Cause used in the Application for the Statement of Charges originally filed in District Court; (E) a miscellany of emails and attachments largely dealing with the City's response to the April unrest; and (F) confidential personnel records of the Baltimore Police Department Internal Affairs Division for Defendants Nero, Rice, Miller, Goodson, and Porter, as well as Officers Novak and Wood. As outlined below, these items are not even arguably relevant or admissible in the Defendant's trial, are not helpful to his defense, and/or are especially sensitive because of their potential impact if they ever somehow became public.

A. Documents that constitute attorney work product and/or executive deliberations

The first category of documents (page numbered A001-A231) that the State requests not to copy for the Defendant's counsel consists of eight items constituting classic attorney opinion work product and/or executive deliberations. Preliminarily, the State notes its full understanding and respect for the Court's ruling that a prosecutor's pre-charging investigative work product may be subjected to heightened disclosure requirements. The Supreme Court has long distinguished between "those aspects of the prosecutor's responsibility that cast [her] in the role

of an administrator or investigative officer rather than that of advocate." *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976). Nevertheless, "the work of an advocate" extends to work "integral to the initiation of the prosecution" and "involv[ing] the exercise of professional judgment," including the prosecutor's "drafting of the [charging document], her determination that the evidence [is] sufficiently strong to justify a probable-cause finding, her decision to file charges, and her presentation of the information" to the judicial body to initiate charges. *Kalina v. Fletcher*, 522 U.S. 118, 130 (1997). Put succinctly, even during the pre-charging stage, *some* of a prosecutor's actions are "the work of an advocate" and, therefore, may constitute classic attorney opinion work product that is privileged from adversarial discovery.

Explaining this privilege, the Supreme Court has long held that "an attempt, without purported necessity or justification, to secure written statements, private memoranda and personal recollections prepared or formed by an adverse party's counsel in the course of his legal duties . . . falls outside the arena of discovery and contravenes the public policy underlying the orderly prosecution and defense of legal claims." *Hickman v. Taylor*, 329 U.S. 495, 510 (1946). Additionally, under Maryland's constitutional separation of powers, "the judiciary . . . is not authorized to probe the mental processes of an executive or administrative officer," and this "protection from disclosure clearly extends to confidential advisory and deliberative communications between officials and those who assist them in formulating and deciding upon future governmental action." *Hamilton v. Verdow*, 287 Md. 544, 558-61 (1980).

It is through this lens that the State respectfully asks the Court to consider exempting the following items from being copied to the Defendant's attorneys pursuant to the Court's discovery order:

1. (A001-A004) This item contains two emails dated April 21 sent from a Deputy State's Attorney to another Deputy State's Attorney and the Chief Deputy State's Attorney outlining the Deputy attorney's analysis of Mr. Gray's detention, arrest, and search under the attorney's judgment of the relevant Fourth Amendment case law.

2. (A005-A072) This item contains an email dated April 27 sent from a Deputy State's Attorney to the State's Attorney and several of her Deputies and Assistants forwarding some legal research conducted during the Office's deliberations regarding the charges to bring in this case, with attachments from Lexis Nexis of *Simpkins v. State*, 88 Md. App. 607 (1991); *State v. Kanavy*, 416 Md. 1 (2010); *Williams v. State*, 100 Md. App. 468 (1994); and *State v. Albrecht*, 336 Md. 475 (1994).

3. (A073-A074) This item contains an email dated April 30 sent from a Deputy State's Attorney to the State's Attorney and includes an attachment outlining a brief summary of the Office of the State's Attorney's investigation in this case as of that date.

4. (A075-A077) This item contains an email dated April 22 sent from a Deputy State's Attorney to the Chief Deputy State's Attorney and the State's Attorney and includes an attachment listing the primary persons involved in the case and outlining a task list of further actions to be done in the case.

5. (A078-A081) This item contains an email dated April 29 sent from a Deputy State's Attorney to the State's Attorney that contains an attachment that the Deputy created listing her assessment of what she thought might be important CCTV footage times/locations and also listing the Deputy's comments and questions about each piece of footage.

6. (A082-A083) This item contains an email dated April 30 sent from the State's Attorney's Executive Assistant to the State's Attorney and providing her with an agenda in advance of a regular morning meeting with her Executive Team, including an agenda section that morning with an update about the status of the investigation into Mr. Gray's death.

7. (A084-A086) This item contains an email dated April 30 sent from a Deputy State's Attorney to another Deputy State's Attorney forwarding her an attachment outlining the counts and maximum penalties for the charges brought against the six Defendants involved in this matter.

8. (A087-A100) This item contains two emails dated April 28 and 30 sent from a Deputy State's Attorney to the State's Attorney, the Chief Deputy State's Attorney, two other Deputy State's Attorneys, the State's Attorney's Executive Assistant, and a Division Chief with the same attachment outlining the attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White.

9. (A101-A104) This item contains an email labeled "Privileged and Confidential" and "Contains Attorney Work Product" dated April 25 sent from the Chief Deputy State's Attorney to a Deputy State's Attorney and cc'd to the State's Attorney, an email that he prefaced as "an effort to get down on paper some of my thoughts about where we are and

what needs to be considered/done" and that then outlines the Chief Deputy's thoughts about the strengths/weaknesses of the case, potential trial strategies, possible charges that could be brought based on ways the evidence could meet the elements, and whether the Office *should* bring such charges. The email also includes the Chief Deputy's instructions about prioritizing/verifying the gathering and examination of evidence.

10. (A105-A114) This item is a document collecting a Deputy State's Attorney's research on the elements and jurisprudence involved in various criminal charges and also listing the Deputy's analysis of Mr. Gray's detention, arrest, and search under the attorney's judgment of the relevant Fourth Amendment case law.

11. (A115-A128) This item is a document outlining a Deputy State's Attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White, along with his research about the elements and jurisprudence of the crime of false imprisonment.

12. (A129) This item is a document listing the agenda topics and task assignments of an April 20 meeting between Deputy State's Attorneys, Assistant State's Attorneys, and investigative and clerical staff of the Office of the State's Attorney involved in the investigation into Mr. Gray's death.

13. (A130) This item is a document containing a Deputy State's Attorney's notes taken regarding the recorded statements of Defendants Rice and Porter.

14. (A131-A132) This item is a chart prepared by a Deputy State's Attorney listing certain assignments of, notes about, and needed follow up from members of the Office of the State's Attorney as of April 16 regarding the investigation into Mr. Gray's death.

15. (A133) This item is a Google aerial map saved by an attorney in the Office of the State's Attorney showing and highlighting certain areas in and around Gilmor Homes.

16. (A134-A141) This item is a document prepared by an attorney in the Office of the State's Attorney containing a partial outline of the elements of certain crimes, along with a list of the counts, alleged locations, and maximum penalties for each of the six Defendants charged.

17. (A142-A145) This item is a Memorandum labeled "Attorney Work Product, Privileged," dated April 22 from a Deputy State's Attorney to a Lieutenant in the Maryland State Police regarding possible assistance in the case investigation and outlining the Deputy's view of various tasks to be done.

18. (A146) This item is a document containing a Deputy State's Attorney's notes about a September 16, 2015, meeting with Detectives Anderson and Teel and Lieutenant Norris of the Baltimore City Police Department.

19. (A147-A148) This item is a document containing another version of the Deputy State's Attorney's outline of various tasks to be done in the case.

20. (A149-A151) This item is a Memorandum labeled "Attorney Work Product, Privileged," dated April 15 from a Deputy State's Attorney to the internal case file of the Office of the State's Attorney containing certain notes about the investigation into Mr. Gray's arrest and injuries, along with two extra blank pages appearing in the original.

21. (A152-A155) This item is another copy of the Memorandum labeled "Attorney Work Product, Privileged," dated April 22 from a Deputy State's Attorney to a Lieutenant in the Maryland State Police regarding possible assistance in the case investigation and outlining the Deputy's view of various tasks to be done.

22. (A156-A167) This item is a document containing yet another version of a Deputy State's Attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White.

23. (A168-A180) This item is a document containing still another version of a Deputy State's Attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White.

24. (A181-A191) This item is a document containing one more version of a Deputy State's Attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White.

25. (A192) This item is a document containing another version of a Deputy State's Attorney outline of various tasks done/to be done in the course of investigating the case as of May 1.

26. (A193) This item is a document containing a Deputy State's Attorney's notes from her viewing of the CCTV footage recovered (and disclosed) in this case.

27. (A194-A201) This item contains an email dated April 29 sent from the Chief Deputy State's Attorney to the State's Attorney's Executive Assistant requesting that she print the attachment in a forwarded email from a Deputy State's Attorney sent the same day, with the attachment outlining a list of the counts, alleged locations, and maximum penalties for each of the six Defendants charged.

28. (A202-A206) This item contains an email dated April 28 sent from a Deputy State's Attorney to another Deputy State's Attorney requesting review and comment on an attached outline of the possible charges and corresponding supporting evidence against Defendant Goodson.

29. (A207-A216) This item is a document containing yet another version of a collection of a Deputy State's Attorney's research on the elements and jurisprudence involved in various criminal charges and also listing the Deputy's analysis of Mr. Gray's detention, arrest, and search under the attorney's judgment of the relevant Fourth Amendment case law.

30. (A217-A219) This item contains another outlined list of the counts, alleged locations, and maximum penalties for each of the six Defendants charged, though this version also contains an attorney's hand-written notes.

31. (A220-A231) This item is a document containing still another version of a Deputy State's Attorney's view of the supporting evidence and possible charges that could be brought against Defendants Porter, Goodson, Rice, Nero, Miller, and White.

The State sincerely believes that even though these items were created prior to the charges being filed in this case, each of the items constitutes attorney work product and/or the deliberative and advisory products of executive branch officials. For example, many of the items are clearly the work of a Deputy State's Attorney acting as an advocate and outlining his professional judgment about what charges the Office of the State's Attorney could bring based on particular evidence. Other items reflect another Deputy State's Attorney acting as an advocate and executive advisor collaborating with the City's elected chief prosecutor on the eve of the decision to charge about what particular evidence might mean or depict. Likewise, Item 9 contains both explicit and obvious attorney work product as well as intimate executive deliberations, with the Chief Deputy State's Attorney candidly sharing with his closest colleagues his personal thoughts about the merits of the case, how best to prosecute it, and whether certain charges should be filed at all as a matter of official prosecutorial discretion. Ordering such materials to be copied to a criminal defendant's attorneys would not only contravene the very fiber of *Hickman* and *Hamilton* but would set a chilling precedent with no commensurate benefit to this Defendant's fair ability to prepare for trial.

B. Documents related to the interaction between the Office of the State's Attorney and the Press

The second category of documents (page numbered B001-B069) that the State requests not to copy for the Defendant's counsel consists of the following emails and documents about the Office of the State's Attorney's interaction with the Press:

1. (B001-B002) This item contains an email exchange dated May 1 between the State's Attorney's Chief of External Affairs and a producer with NBC News regarding a possible interview with the State's Attorney.

2. (B003-B004) This item contains an email dated May 1 sent from a producer with CBS News to the State's Attorney's Director of Communications inquiring about a possible interview with the State's Attorney.

3. (B005-B006) This item contains an email exchange dated May 1 between two CNN producers and the State's Attorney's Special Assistant, her Director of Communications, and her Chief of External Affairs regarding a possible interview with the State's Attorney.

4. (B007) This item contains an email dated May 1 sent from the State's Attorney to her Director of Communications forwarding and inquiring about an email from a Fox News producer sent to the State's Attorney earlier in the day.

5. (B008-B009) This item contains an email dated the morning of May 1 sent from the State's Attorney's Executive Assistant to the State's Attorney and her Executive Protection officers listing the day's schedule of events from 9:30 a.m. through 4:00 p.m.

6. (B010-B017) This item contains an email dated April 30 sent from the State's Attorney's Chief of External Affairs to the State's Attorney containing an attached draft of talking points for a possible statement to the press.

7. (B018-B027) This item contains an email dated April 30 sent from the State's Attorney's Director of Communications to the State's Attorney and certain members of her communications and administrative staff containing an attached draft of potential questions from the press and suggesting the wording of possible answers to those questions should they arise in light of the next day's planned announcement of charges.

8. (B028-B035) This item contains an email dated April 30 sent from the State's Attorney's Chief of External Affairs to her Director of Communications containing another attached draft of potential questions from the press and suggesting the wording of possible answers to those questions should they arise in light of the next day's planned announcement of charges.

9. (B036-B037) These items are Outlook calendar entries showing tentative times for possible interviews of the State's Attorney by the New York Times and by NBC News.

10. (B038) This item contains an email dated April 30 sent from the State's Attorney's Director of Communication to an NBC producer listing a tentative interview schedule with the State's Attorney.

11. (B039-B044) This item contains an email dated April 29 sent from the State's Attorney's Director of Communication to the State's Attorney and her Chief of External Affairs with an attachment listing possible media questions that might arise at the news conference planned for the following day.

12. (B045) This item contains an email dated April 29 sent from the State's Attorney's Executive Assistant to the State's Attorney and her Executive Protection officers listing the day's schedule of events from 9:30 a.m. through 9:00 p.m.

13. (B046) This item contains an email dated April 28 sent from the State's Attorney's Director of Communication to a reporter with the Daily Record providing an Office statement about the progress of the investigation and about the previous day's unrest.

14. (B047-B049) This item contains an email dated April 22 sent from the State's Attorney's Public Relations Officer to the State's Attorney, her Chief of External Affairs, and her Director of Communications containing both in its text and in an attachment a draft of a possible letter from the State's Attorney to Governor Hogan (the attachment paginated in between the first and second pages of the email).

15. (B050) This item contains an email dated April 20 from the Director of Community Affairs for the Office of the State's Attorney providing a weekly update on public relations matters, only one of which mentions Mr. Gray and only to refer to the prior press release.

16. (B051) This item contains a series of four emails dated April 19 between State's Attorney Mosby and her staff in which they are updated that Mr. Gray succumbed to his injuries and in which they discuss the expected and contemplated reaction both from and to the Press.

17. (B052-B061) This item contains an email dated April 17 sent from the State's Attorney's Executive Assistant to her Director of Communications forwarding an attached Briefing Memorandum regarding a scheduled April 20 meeting between the State's Attorney and the Editorial Board of the Afro-American Newspaper.

18. (B062) This item contains a Media Advisory regarding the May 1 press conference.

19. (B063-B068) This item is a document containing another draft of B040-B044, listing possible media questions that might arise at the news conference planned for the following day.

In short, not a single one of the above items constitutes a statement of any trial witness, and none of them are relevant, admissible, or helpful to the defense. Instead, these items reflect the public relations actions and deliberations of an elected public official and her advisers. The State willingly made them available for defense counsel's review pursuant to this Court's Order, but providing copies of these documents to persons outside the Office of the State's Attorney would serve no purpose related to counsel's defense of their client and would merely heighten

the potential that those copies would somehow become public. Accordingly, the State respectfully asks that these documents not be ordered copied to the Defendant's attorneys.

C. State's Attorney Marilyn Mosby's May 1, 2015, public schedule and draft statements

The third category of documents (page numbered C001-C034) that the State requests not to copy for the Defendant's counsel consists of the following five items comprising State's Attorney Marilyn Mosby's May 1, 2015, public schedule and draft statements:

1. (C001-C011) This item contains an email dated May 1 sent from the State's Attorney to her Special Assistant containing a copy of her public statement at the day's news conference.

2. (C012-C013) This item contains an email dated April 30 sent from the State's Attorney to herself containing an attachment of various personal notes related to her planned speech for the following day.

3. (C014-C021) This item contains an email dated April 30 sent from the Chief Deputy State's Attorney to the State's Attorney and her Chief of External Affairs commenting on and editing a forwarded attachment of talking points for the following day's speech.

4. (C022-C027) This item contains an email dated April 30 sent from the State's Attorney's Public Relations Officer to the State's Attorney, her Chief of External Affairs, and her Director of Communications forwarding an attached alternate version of possible remarks the State's Attorney could make at her upcoming news conference.

5. (C028-C034) This item contains an email dated April 30 sent from the State's Attorney's Public Relations Officer to the State's Attorney forwarding attached alternate versions of possible remarks the State's Attorney could make at her upcoming news conference.

None of these drafts or documents are remotely relevant, admissible, or helpful to the defense. The Defendant's attorneys have viewed and even transcribed the State's Attorney's actual May 1 comments. These items merely show an elected public official's internal drafts and notes considering variations on a speech to constituents, items which further no legitimate defense purpose and which should not be copied to the Defendant's counsel.

D. Drafts of the Statement of Probable Cause used in the Application for the Statement of Charges originally filed in District Court

The fourth category of specific documents (page numbered D001-D123) that the State requests not to copy for the Defendant's counsel consist of multiple separate drafts of and corresponding emails about the Statement of Probable Cause used in the Application for the Statement of Charges originally filed in District Court written and edited largely by attorneys within the Office of the State's Attorney. These various drafts are attorney work product or executive deliberative materials and/or are not even arguably relevant or admissible in the Defendant's trial, are not helpful to his defense, and are not investigative material. Moreover, these documents do not constitute statements of any trial witness or party opponent and have since been superseded by the Grand Jury's Indictment. Instead, these documents (a) show the writing, grammatical, and typographical skills and mistakes of their attorney authors; (b) reflect the deliberations and thought processes of members of the State's Attorney's Office; and (c) contain attorney opinions about the significance of certain facts in the case. Accordingly, the State respectfully asks that these documents not be ordered copied to the Defendant's attorneys.

E. A miscellany of emails and attachments largely dealing with the City's response to the April unrest

The fifth category of materials (page numbered E001-E103) that the State requests not to disclose to the Defendant consists of a miscellany of emails and attachments, largely dealing with the City's response to the April unrest:

1. (E001-E002) This item consists of an email exchange dated May 1 between the Chief Deputy State's Attorney and a Major with the Baltimore City Sherriff's Office regarding addresses entered in a public database.

2. (E003) This item consists of an email exchange dated May 1 between the Chief Deputy State's Attorney and the State's Attorney and various of her Executive staff regarding a schedule of rallies planned by various groups for that day.

3. (E004-E014) This item contains an email dated May 1 sent from a municipal official to various other City officials and agencies providing an update from the City's Emergency Operations Center regarding the post-unrest conditions.

4. (E015-E026) This item contains an email dated May 1 from an Assistant State's Attorney to the State's Attorney and several of her Executive staff forwarding the same items in E003-E014.

5. (E027-E041) This item is a document dated May 1 labeled "For Official Use Only" containing a Situation Report from the Mayor's Office of Emergency Management detailing various post-unrest conditions and activities around the City and its agencies.

6. (E042) This item contains an email dated May 1 sent from the State's Attorney's Executive Assistant to a Deputy State's Attorney regarding an arrest made during the unrest.

7. (E043) This item contains an email dated May 1 sent from the Chief Deputy State's Attorney to a Deputy State's Attorney discussing a forwarded email solicitation from a professional trial support business.

8. (E045-E054) This item contains an email dated May 1 sent from the Chief Deputy State's Attorney to an Assistant State's Attorney discussing an attached forwarded set of emails from various persons not connected to the Office who were commenting on conditions at CBIF following the unrest.

9. (E055) This item contains an email dated April 30 sent from the State's Attorney's Director of Communications to a person regarding a possible interview with the State's Attorney on May 1.

10. (E056-E069) This item contains an email dated April 30 sent from an Assistant State's Attorney to the State's Attorney and members of her Executive staff forwarding an email from a municipal official to various other City officials and agencies providing an update from the City's Emergency Operations Center regarding the post-unrest conditions.

11. (E070-E071) This item contains an email dated April 30 sent from an Assistant State's Attorney to the State's Attorney and members of her Executive staff forwarding an email from the Director of Government Affairs of the Baltimore Police Department regarding potential further unrest and then current conditions/operations.

12. (E072-E081) This item contains an email dated April 29 sent from an Assistant State's Attorney to the State's Attorney and a member of her Executive staff forwarding an email from a municipal official to various other City officials and agencies providing an update from the City's Emergency Operations Center regarding the post-unrest conditions.

13. (E082) This item contains an email dated April 29 sent from a Major with the Baltimore City Sherriff's Office to a Deputy State's Attorney regarding activation of an email account.

14. (E083-E091) This item contains an email dated April 29 sent from an Assistant State's Attorney to the State's Attorney and a member of her Executive staff forwarding an email from a municipal official to various other City officials and agencies providing another update from the City's Emergency Operations Center regarding the post-unrest conditions that day.

15. (E092-E094) This item contains an email dated April 26 sent from the State's Attorney's Chief of External Affairs to the State's Attorney and members of her staff forwarding an email from a Division Chief regarding a set of arrestees being processed at CBIF.

16. (E095-E098) This item contains an email dated April 23 sent from an Assistant State's Attorney to the State's Attorney and various of her staff forwarding an email regarding the Governor's use of State Troopers to interact with protesters and another email from the Director of Government Affairs of the Baltimore Police Department regarding conditions of unrest.

17. (E099) This item contains an email dated April 21 sent from the State's Attorney's Executive Assistant to a Deputy State's Attorney regarding a community partnership and the use of Citiwatch cameras.

18. (E100-E101) This item contains an email exchange dated April 21 sent between an Assistant State's Attorney and an Office Investigator requesting and receiving victim information for a theft case that the Assistant was handling.

19. (E102) This item contains an email exchange dated April 17 sent between an Assistant State's Attorney to a Deputy State's Attorney inquiring about an interview time.

20. (E103) This item contains an email dated April 16 from an Office investigator to an Office law clerk inquiring about a meeting time.

Reviewing these emails and materials, it should be abundantly clear that none of the items are remotely relevant, admissible, or helpful to the defense. The State cannot even fathom why defense counsel would request these items as additional discovery given that they further no legitimate defense purpose and are only tangentially related to the case. They should not be copied to the Defendant's counsel.

F. Confidential personnel records of the Baltimore Police Department Internal Affairs Division for Defendants Nero, Rice, Miller, Goodson, and Porter, as well as Officers Novak and Wood

The final category of materials (page numbered F001-F092) that the State requests not be disclosed to the Defendant consists of confidential personnel records of the Baltimore Police Department Internal Affairs Division for Defendants Nero, Rice, Miller, Goodson, and Porter, as well as Officers Novak and Wood. The State has previously disclosed to the Defendant her own such record, but the State may not legally disclose the internal affairs records of other police officers without a court order. *Fields v. State*, 432 Md. 650 (2013) (holding that internal affairs records of police officers are confidential under the Maryland Public Information Act and so may not be disclosed by the State unless a Court so orders after having conducted a *Zaal* balancing test).

Wherefore, the State respectfully requests that this Motion for Appropriate Relief Under Seal be granted in its entirety.

Respectfully submitted,

Marilyn J. Mosby

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2016, a copy of the State's Motion for Appropriate Relief Under Seal was mailed and e-mailed to:

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Respectfully submitted,

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