

2016 JAN 12 P 3:18

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

CRIMINAL DIVISION

STATE OF MARYLAND

v.

ALICIA WHITE

Defendant

CRIMINAL NO. 115141036

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**WITNESS WILLIAM PORTER'S MOTION FOR
INJUNCTION PENDING APPEAL**

Comes now Witness Officer William Porter, through his counsel, Joseph Murtha and Gary Proctor and respectfully submits this Motion for Injunction Pending Appeal. In support thereof, Officer Porter states as follows:

1. This Court granted the state's motion to compel Officer Porter's Testimony Pursuant to § 9-123 of the Courts and Judicial Proceedings Article on January 7, 2016.
2. Simultaneously with this pleading, Porter has filed a Notice of Appeal in respect of the Court's ruling. In the event that this Court denies said motion, Porter intends to seek an injunction before the Court of Special Appeals pursuant to Md. Rules § 8-425. Said rule states that, wherever practical, a party shall seek relief from the circuit court.
3. In order to comply with the rule, Porter hereby moves this Court to stay its ruling that Porter shall testify, pending his interlocutory appeal in this matter. Porter suggests that the harm to his Fifth Amendment and Article 22 rights will be


irreparable. Given that the Court of Special Appeals has already stayed Porter's testimony in the *Goodson* matter, and that the issue in the case at bar is its doppelganger, Porter suggests that the interests of justice require that a similar injunction be issued in the case at bar.

WHEREFORE Officer Porter prays this Court grant a stay of its ruling that he be compelled to testify, pursuant to a grant of immunity under § 9-123 of the Courts and Judicial Proceedings Article.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "J Murtha / G.P.", written over a horizontal line.

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A handwritten signature in dark ink, appearing to read "G. Proctor", written over a horizontal line.

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Attorneys for Officer William Porter

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January, 2016, a copy of Witness' Motion to Stay was hand delivered to Michael Schatzow, Chief Deputy State's Attorney for Baltimore City, 120 E. Baltimore Street, 9th Floor, Baltimore MD 21202.



GARY E. PROCTOR