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STATE OF MARYLAND

v.

EDWARD NERO

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CRIMINAL DIVISION

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141033

STATE'S MOTION TO COMPEL A WITNESS TO TESTIFY PURSUANT TO SECTION 9-123 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE

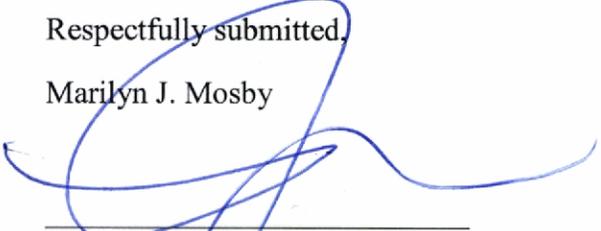
Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City, and pursuant to Section 9-123 of the Courts and Judicial Proceedings Article moves this Court to issue an order requiring Officer William Porter, D.O.B. 6/26/1989, in the above-captioned case to give testimony which he is likely to refuse to give on the basis of his privilege against self-incrimination. In support of this Motion, the State avers the following:

1. The State may call Officer William Porter to testify as a witness in the above-captioned criminal proceeding being held before this Court.
2. The State's Attorney for Baltimore City has determined that the testimony of Officer William Porter in the above-captioned case may be necessary to the public interest.
3. Officer William Porter is likely to refuse to testify in the above-captioned case on the basis of his privilege against self-incrimination because he has previously stated that he would refuse on those grounds to testify in cases involving the same underlying set of events as the present matter, namely the cases of *State v. Caesar Goodson* (# 115141032) and *State v. Alicia White* (# 115141036).
4. The State's Attorney for Baltimore City seeks to compel Officer William Porter to testify in the above-captioned case.

Wherefore, the State requests that this Court issue an order requiring Officer William Porter in the above-captioned case to give testimony which he is likely to refuse to give on the basis of his privilege against self-incrimination.

Respectfully submitted,

Marilyn J. Mosby



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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2016, a copy of the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings article was mailed and e-mailed to:

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Respectfully submitted,

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IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141033

ORDER

Having reviewed the State’s Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article, in which the State’s Attorney for Baltimore City seeks to compel Officer William Porter, D.O.B. 6/26/1989, to testify in the above-captioned criminal proceeding; finding that the State’s Attorney for Baltimore City has determined that Officer William Porter may be called by the State as a witness to testify in the above-captioned criminal proceeding but that Officer William Porter is likely to refuse to testify on the basis of his privilege against self-incrimination; further finding that the State’s Attorney for Baltimore City has determined that the testimony of Officer William Porter may be necessary to the public interest; and further finding that the State’s Motion to Compel Officer William Porter’s testimony complies with the requirements of Section 9-123 of the Courts and Judicial Proceedings Article, it is this ____ day of _____, 2016, by the Circuit Court for Baltimore City

ORDERED that the State’s Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article be and hereby is **GRANTED**; and it is further

ORDERED that Officer William Porter, D.O.B. 6/26/1989, shall testify as a witness for the State in the above-captioned criminal proceeding and may not refuse to comply with this Order on the basis of his privilege against self-incrimination; and it is further

ORDERED that no testimony of Officer William Porter, D.O.B. 6/26/1989, compelled pursuant to this Order and no information directly or indirectly derived from the testimony of Officer William Porter compelled pursuant to this Order may be used against Officer William Porter in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order.

Judge
Circuit Court for Baltimore City