

**IN THE CIRCUIT COURT FOR BALTIMORE CITY**

**STATE OF MARYLAND**

**vs.**

**SHELIA ANN DIXON**

**Case No. 109210015**

**INTERVENORS' CONDITIONAL MOTION FOR RECONSIDERATION OF  
NOVEMBER 25, 2009 ORDER CONCERNING RELEASE OF JUROR INFORMATION**

Intervenors, The Baltimore Sun, WBAL-TV, WMAR-TV, WBFF-TV, The Associated Press and The Maryland-District of Columbia-Delaware Broadcasters' Association, Inc., by their undersigned attorneys, state:

1. In the event the jurors are discharged on November 25, 2009, Intervenors respectfully request that the Court reconsider its November 25, 2009 Order and hold a hearing and issue a ruling on Intervenors' Motion immediately upon discharge because the five-day delay that would result under such circumstances will prejudice the Intervenors and the public.

2. Intervenors' Motion sought juror names and other information pursuant to Maryland Rule 16-1004. This information and its timely release to the media is particularly important in the criminal prosecution of a public official because suspicions about the political and personal biases of jurors are typically at their highest in such cases, and an aura of court-imposed secrecy surrounding them only fuels such concerns and diminish public confidence in any verdict. As the United States Court of Appeals for the First Circuit has stated, "in a democracy, criminal trials should not, as a rule, be decided by anonymous persons." *In re Globe Newspaper*, 920 F.2d 88, 91 (1st Cir. 1990).

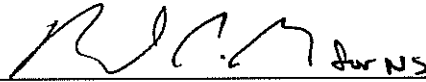
3. As more fully discussed in the Memorandum of Law that accompanied Intervenor's Motion, Intervenor's contend that they have a right to access to the requested information based both upon the Maryland Rules and the First Amendment to the United States Constitution and Article 40 of the Maryland Declaration of Rights. *See, e.g., United States v. Wecht*, 537 F.3d 222, 235 (3d Cir. 2008); *In re Globe Newspaper*, 920 F.2d 88, 97; *In re Baltimore Sun Co.*, 841 F.2d 74, 75 (4<sup>th</sup> Cir. 1988) ("We think it no more than an application of what has always been the law to require a district court, upon the seating of the panel of a jury and alternates, if any, which will hear a case, to release the names and addresses of those jurors who are sitting, as well as those veniremen and women who have attended court but have not been seated for one reason or another."); Maryland Rule 16-1004(b)(2)(C) ("...a trial judge **shall**, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse's occupation...unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part) (emphasis supplied).

4. If the jury is discharged today, a decision to hold a hearing on Monday is effectively a decision on the merits to withhold for at least 5 days the names of the jurors. That decision would create a significant delay between public announcement of the verdict and an opportunity to explore the political and personal biases of the jurors, and permit public speculation regarding the jury to proceed without the ability to pursue truthful and accurate information. As the authority Intervenor's provided the Court demonstrates, many courts have held that a 5-day delay would in itself be a denial of the Intervenor's constitutional and statutory rights. Given the interests at stake, Intervenor's respectfully submit the Court's rulings with respect to this issue would more appropriately be made on the merits.

WHEREFORE, Intervenor request that the Court reconsider its Order and hold a hearing and issue a ruling on Intervenor's Motion immediately upon discharge of the jurors in the event the jurors are discharged on November 25, 2009.

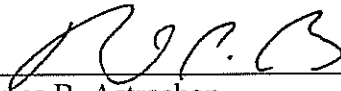
Dated: November 25, 2009

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> day of November 2009, I caused to be served by hand delivery a copy of the foregoing Motion to Intervene and for Release of Juror Information upon:

Arnold M. Weiner, Esq.  
Law Offices of Arnold M. Weiner  
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and

Robert A. Rohrbaugh, Esq.  
Office of the Maryland State Prosecutor  
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Daniel P. Doty

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**STATE OF MARYLAND**

**vs.**

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**Case No. 109210015**

**REQUEST FOR HEARING ON CONDITIONAL MOTION FOR RECONSIDERATION**

Intervenors, The Baltimore Sun, WBAL-TV, WMAR-TV, WBFF-TV, The Associated Press and The Maryland-District of Columbia-Delaware Broadcasters' Association, Inc., respectfully request a hearing on their Motion for Reconsideration.

  
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Daniel P. Doty

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**ORDER**

Intervenors' Motion for reconsideration, together with any responses thereto, having been considered, it is this 25<sup>th</sup> day of November, 2009, by the Circuit Court for Baltimore City:

ORDERED that the Motion be, and hereby is, GRANTED; and, it is further

ORDERED that the Court will hold a hearing immediately upon the discharge of the jury and determine whether, notwithstanding the Court's November 9, 2009 Order concerning jury selection, the Clerk shall, and the parties or their counsel may, release the information authorized by Maryland Rules 16-1004(b)(2)(B)&(C), including juror's names, zip codes, and the other information listed by Maryland Rule 16-1004(b)(2)(C),.

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Honorable Dennis M. Sweeney