

MILES & STOCKBRIDGE P.C.

Dale P. Kelberman, Esquire
410-385-3608
dkelberman@milesstockbridge.com

August 18, 2009

VIA HAND-DELIVERY

Marian Soto, Criminal Clerk Manager
Circuit Court for Baltimore City
Clarence M. Mitchell, Jr. Courthouse
100 N. Calvert St., Room 200
Baltimore, MD 21202

Re: *State of Maryland v. Sheila A. Dixon*
Case No. 109009009

Dear Ms. Soto:

Enclosed herewith please find Defendant's Motion to Compel Discovery to be filed in the above-referenced case.

Thank you for your attention with respect to this matter.

Very truly yours,



Dale P. Kelberman

DPK/kac
Enclosure

cc: Hon. Dennis M. Sweeney
Robert A. Rohrbaugh, State Prosecutor
Thomas M. McDonough, Deputy State Prosecutor
Arnold M. Weiner, Esquire

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND

*

*

CASE NOS. 109210015
109210016

*

v.

SHEILA ANN DIXON

*

* * * * *

MOTION TO COMPEL DISCOVERY

Sheila A. Dixon, defendant, by her undersigned counsel, and pursuant to Maryland Rule 4-263(i), respectfully urges this Court to issue an order directing the State Prosecutor to produce for the defendant copies of any and all grand jury subpoenas issued from on or about January 9, 2009 to the present, and in support of this Motion submits the following.

I. Introduction and Background

On July 29, 2009, the grand jury returned the above-captioned two (2) indictments. One indictment charges the defendant with two counts of perjury, while the other indictment contains seven (7) counts charging theft, misappropriation by fiduciary and misconduct in office. These superseding charges involve, among other things, allegations that the defendant misappropriated to her own use certain gift cards, some of which were allegedly donated by two Baltimore City developers and some of which were paid for by funds from the Baltimore City Housing Authority.

These charges follow by approximately six months the original twelve-count indictment filed by the State Prosecutor in this case. On August 5, 2009, the charges in the original indictment were dismissed by the State Prosecutor. At the time the original charges were

dismissed, the defendant's motion to quash certain grand jury subpoenas and for other appropriate relief was then pending. At the August 5th hearing, the Court found that, as a result of the entry of the Nol Pros by the State Prosecutor, the defendant's motion would be deemed moot, without any decision on the merits. That motion sought the production of all grand jury subpoenas that the State Prosecutor had issued since the January indictment was returned based on evidence that the State had abused the grand jury process. At the hearing, the State Prosecutor stated that he had an open discovery policy, from which he would not deviate.

Since the new charges were filed, the defense has requested additional discovery pursuant to Rule 4-263 of the Maryland Rules of Criminal Procedure. Among other things, the defense has requested copies of all grand jury subpoenas issued after the original indictment was returned in January 2009. *See* Exhibit 1, August 5, 2009 letter requesting additional discovery. In the response, the State Prosecutor agreed to make additional material available to the defense. *See* Exhibit 2, August 6, 2009 letter from the State Prosecutor.

Defense counsel met with representatives of the State Prosecutor's office on August 10th to review the newly requested discovery. However, at that time, the State Prosecutor refused to provide the defense with the sought after grand jury subpoenas. Notwithstanding the defendant's further requests to obtain copies of the grand jury subpoenas (*see* Exhibit 3), the State Prosecutor again declined to provide those documents. In his response, the State Prosecutor indicated that the defendant was seeking "copies of subpoenas which resulted in no testimony or evidence." Further, in declining to provide the documents, the State Prosecutor claimed that such documents were "subject to grand jury secrecy." *See* Exhibit 4, August 12, 2009 letter from State Prosecutor.

The grand jury subpoenas that are at issue are discoverable for a number of reasons. First and foremost, the issuance of the subpoenas and the absence of evidence are potentially exculpatory and therefore subject to discovery under *Brady v. Maryland* and its progeny, as well as Maryland Rule 4-263(d)(5). In addition, the State Prosecutor has previously recognized that such subpoenas are discoverable, as he has already provided numerous copies of other grand jury subpoenas that were issued, even though no documents or testimony were produced in response thereto. Having produced numerous copies of other grand jury subpoenas, the State Prosecutor can hardly rely upon the “secrecy” of the grand jury to deny the production of these additional subpoenas. Finally, as the Court is well aware, the grand jury subpoenas at issue are highly relevant to the defendant’s prior motion relating to the abuse of the grand jury process. To the extent that those subpoenas are now relevant to a motion to be filed by the defendant, there is further justification for the Court to compel the disclosure, consistent with Due Process principles.

II. The Grand Jury Subpoenas are Exculpatory

As noted above, this case involves, among other things, the allegations that the defendant misused certain gift cards that were allegedly donated by Baltimore City developers and funded by the Baltimore City Housing Authority. Because gift cards do not identify the donor in any way, and can be redeemed like cash, one of the principal issues at the trial of this case will be whether the State can meet its obligation to prove beyond a reasonable doubt which gift cards were purchased by which party, to whom they were given, whether the defendant knew which gift cards came from which source at any particular time, and whether the defendant acted with the necessary criminal intent. Indeed, the State Prosecutor’s principal investigator testified before the grand jury that “some of these [gift cards] were very difficult to trace because there

wasn't a credit card used or there wasn't a Reward Zone card which is only applicable in Best Buy." He went on to agree that "if you buy a card in cash and you use that card in the same denomination there is no record of who used it..." See Exhibit 5, Excerpt from Grand Jury testimony of Special Agent John Poliks. Consequently, the *absence* of documents relating to the purchase and/or distribution of gift cards is exculpatory in itself, as well as providing leads to other potential exculpatory evidence. See *Gonzales v. McKune*, 247 F.3d 1066, 1077 (10th Cir. 2001) (absence of evidence in lab tests found to be exculpatory).

Indeed, the State Prosecutor recognizes the importance of the existence *vel non* of any documents relating to the handling of gift cards, as one of the subpoenas, which he has previously withdrawn sought the production of such documents. See Exhibit 6, copy of Grand Jury subpoena to Zoe Michael requesting production of documents relating to gift cards.

Thus, the issuance of grand jury subpoenas to other parties for the production of documents relating to gift cards or testimony related thereto, and the absence of such documentation, is exculpatory in that it tends to negate the defendant's guilt for the offenses charged.

III. The State Prosecutor Has Recognized That Such Subpoenas Are Discoverable

In denying the production of this evidence, the State Prosecutor maintains that because no documents or testimony were produced in response to the grand jury subpoenas at issue, he is not obligated to produce them. This eleventh-hour explanation is belied by the State Prosecutor's own disclosures to date. Prior to this most recent request, the State Prosecutor has provided to the defense numerous copies of grand jury subpoenas, even though those subpoenas did not result in the production of any documents or testimony. See Exhibit 7, copies of Office of State

Prosecutor Evidence Control Forms.¹ The State Prosecutor should now not be heard to contend that the very same category of documents he has already produced to the defense is somehow not subject to discovery in connection with the new charges filed. For the same reason, the State Prosecutor's attempts to hide behind the cloak of grand jury secrecy should be unavailing. He has already produced numerous grand jury subpoenas to the defense as noted above, and the subpoenas that are now sought are no different from those.

IV. The Grand Jury Subpoenas are Relevant to a Motion to be Filed By the Defense

As the Court is already aware, the defense has previously filed a motion alleging that the State Prosecutor has misused the grand jury process to gather evidence for the then-pending charges. Although the Court dismissed that motion as moot as a result of the State Prosecutor's entry of the Nol Pros, the Court did not rule on the merits of that motion. The subpoenas which the State Prosecutor issued, one of which is attached hereto and referenced above, plainly sought the production of documents relating to the gift cards at issue. The State should not be able to misuse the grand jury, dismiss the pending charge, and then conceal its misconduct by refusing to produce documents that are germane to the issue. Indeed, in the only case to address this issue by a Maryland appellate court, *Erman v. State*, 49 Md. App 605, 434 A2d 1030 (Md. App 1981), the Court of Special Appeals approved of the trial court's decision to compel the production of all grand jury subpoenas issued post-indictment.

In order to ensure that the defendant has not been disadvantaged by the prosecutor's misuse of the grand jury, Due Process dictates that the Court should order the State Prosecutor to produce the grand jury subpoenas. As the Court of Special Appeals has noted, literal compliance

¹ The Evidence Control Forms are documents created and maintained by the Office of the State Prosecutor to record evidence obtained in the course of its investigation. The enclosed Forms represent documents made available to the defense, including the actual grand jury subpoenas and responsive material referenced in those forms. They have been redacted to eliminate personal account numbers, telephone numbers and other similar private information.

with Rule 4-263 may not always satisfy the requirements of fundamental fairness. The Court is vested with the power to compel discovery even beyond that required by the rule. *Couser v. State*, 36 Md. App 485, 374 A2d 399 (1977), *affirmed*, 282 Md. 125, 383 A2d 389 (1978).

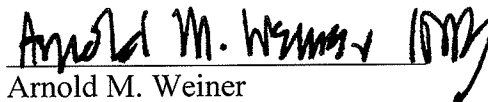
V. Conclusion

For the foregoing reasons, the Court should compel the State Prosecutor to produce to the defense copies of any and all grand jury subpoenas issued from January 2009 to the present.

CERTIFICATE

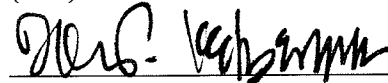
I hereby certify, this ^{18th} day of August, 2009, that I have made good faith attempts to resolve the foregoing discovery dispute with opposing counsel, and we are unable to reach agreement on the issue. The date, time and circumstances of each discussion are referenced in the body of this Motion and the attached Exhibits.

Respectfully submitted, .



Arnold M. Weiner
Barry Gogel
Norman Smith
Jeffrey Nusinov

LAW OFFICES OF ARNOLD M. WEINER
2002 Clipper Park Road, Suite 108
Baltimore, Maryland 21211
(410) 769-8080



Dale P. Kelberman
Donnie E. English


MILES & STOCKBRIDGE P.C.
10 Light Street
Baltimore, Maryland 21201
(410) 727-6464

August 18, 2009

Attorneys for Defendant Sheila A. Dixon

CERTIFICATE OF SERVICE

I hereby certify this ^{18th} day of August, 2009, that a copy of the foregoing Motion to Compel Discovery was sent by electronic and regular mail to Robert Rohrbaugh, Esq., Office of the State Prosecutor, Towson, Maryland.


Dale P. Kelberman

MILES & STOCKBRIDGE P.C.

Dale P. Kelberman, Esquire
410-385-3608
dkelberman@milesstockbridge.com

August 5, 2009

BY EMAIL AND REGULAR MAIL

Robert Rohrbaugh
Maryland State Prosecutor

Thomas M. McDonough
Deputy State Prosecutor

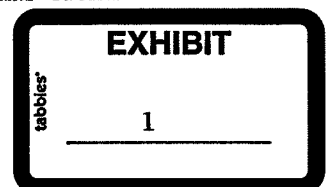
Office of the State Prosecutor
300 E. Joppa Road, Suite 410
Towson, Maryland 21286

Re: *State v. Sheila Dixon*
Case Nos . 109210015 & 109210016

Dear Counsel:

I am writing to request that you produce as soon as possible the following discovery materials in connection with the new charges filed in the above captioned cases. Please provide us with the following:

1. Copies of any and all statements of any potential witnesses, including but not limited to transcripts of any grand jury testimony and exhibits, witness statements, and notes of interviews by attorneys and investigators. In connection with this last category, we note that the interview of Mr. Lipscomb dated October 24, 2006 (bates number 000433-000440) indicates that the memo does not include all information provided by Mr. Lipscomb, so that the notes of that, and any other interviews, should be produced, as well as copies of any statement by Mr. Lipscomb to any other law enforcement agency;
2. Copies of all grand jury subpoenas issued after the original indictment was returned in January 2009;
3. Copies of any and all documents obtained pursuant to any subpoenas identified in category no. 2, above;



MILES & STOCKBRIDGE P.C.

4. Any and all documents relating to the purchase and redemption of any of the gift cards referred to in the new indictment;
5. Copies of any and all documents showing that Mr. Lipscomb's company, Doracon, or any related entity, was doing business with, or was regulated by, the City of Baltimore.
6. Copies of any and all documents showing that the defendant knew that Mr. Lipscomb, Doracon, or any related entity, was doing business with or was regulated by the City of Baltimore.

Please provide us with copies of these materials promptly. If there are no documents responsive to any category, please so state.

Thank you for your prompt attention to this matter.

Very truly yours,



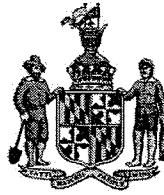
Dale P. Kelberman

DPK/klf

cc: Arnold Weiner, Esquire

STATE OF MARYLAND

ROBERT A. ROHRBAUGH
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

Hampton Plaza
Suite 410
300 East Joppa Road
Towson, MD 21286-3152

Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

August 6, 2009

Via e-mail and regular mail

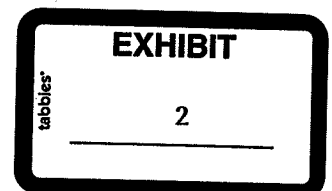
Dale P. Kelberman, Esq.
Miles and Stockbridge
10 Light Street
Baltimore, Maryland 21202

Re: State of Maryland v. Sheila Dixon
Case Nos.: 109210015 and 109210016

Dear Mr. Kelberman:

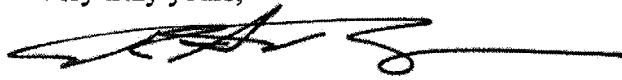
I am in receipt of your correspondence dated August 5, 2009 requesting certain discovery. Some of the requests far exceed what is required under the Maryland Rules of Procedure and, specifically, the material required to be produced under Rule 4-263(d). By way of illustration only, you request a copy of any statement Mr. Lipscomb may have made to any other law enforcement agency. I am sure you are aware that Maryland Rule 4-263(c)(2) sets forth the obligations of this Office, as well as defense counsel. The Rule specifically requires that this Office provide material or information "that are in the possession or control of the attorney, members of the attorney's staff, or any other person who either reports regularly to the attorney's office or has reported to the attorney's office in regard to the particular case." Other requests seek the disclosure of the trial strategy, mental impressions and work product which information is precluded by Maryland Rule 4-263(g). Notwithstanding that the requests fail to comply with the Maryland Rules of Procedure, as we have done in the past, this Office intends to produce the materials and documents required under the Maryland Rules and consistent with our ethical obligations.

Therefore, all of the required discovery will continue to be made available to you on a timely basis as set forth in the Maryland Rules. While you have been given access previously to such material, the discovery will include all material and documents which are required by Maryland Rules 4-263(d) and (j).



Please contact Mr. McDonough tomorrow to arrange for a mutually convenient time to conduct the discovery review.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Rohrbaugh', with a long horizontal flourish extending to the right.

Robert A. Rohrbaugh
State Prosecutor

CC: Arnold Weiner, Esquire

MILES & STOCKBRIDGE P.C.

Dale P. Kelberman, Esquire
410-385-3608
dkelberman@milesstockbridge.com

August 11, 2009

BY EMAIL AND REGULAR MAIL

Robert Rohrbaugh
Maryland State Prosecutor

Thomas M. McDonough
Deputy State Prosecutor

Office of the State Prosecutor
300 E. Joppa Road, Suite 410
Towson, Maryland 21286

Re: *State v. Sheila Dixon*
Case Nos. 109210015 & 109210016

Dear Counsel:

In a letter dated August 5, 2009, I requested on behalf of defense counsel an opportunity to review various documents as part of discovery in the above-captioned cases. Pursuant to Mr. Rohrbaugh's response to me in his letter of August 6, 2009, we met at your offices yesterday to review the material requested. At that time, Mr. McDonough advised us that he would not provide to us copies of the grand jury subpoenas which were issued after January 2009, and that there were no documents from any such grand jury subpoenas to be made available. Mr. McDonough also advised us that he would not provide us copies of any notes of interviews of witnesses. Furthermore, Mr. McDonough advised us that you are not in possession of any statements of Mr. Lipscomb taken by any other law enforcement agencies, so any such statements would not be available to us either.

I am writing to request that you reconsider the production of the grand jury subpoenas we have requested. First of all, you have made available to us numerous grand jury subpoenas which predated the original indictment and we see no reason for you to make any kind of distinction to those issued after the January indictment. Moreover, in response to a recent motion we filed in court, you recommended that we abide by the rules governing criminal investigations. I commend to your attention Rule 4-644(a), which requires the clerk of the circuit court to maintain a record of each grand jury subpoena issued in the course of a criminal investigation.

EXHIBIT

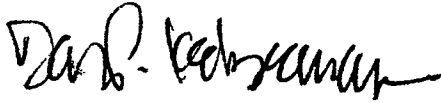
3

MILES & STOCKBRIDGE P.C.

Such subpoenas are required to be filed with the clerk's office and we can obtain them from the clerk if need be.

Please let us know if you will provide this additional material so that we can avoid filing a motion to compel and engaging the judge's time unnecessarily. Please let us know your decision no later than Friday, August 14, 2009. Thank you for your consideration of this request.

Very truly yours,



Dale P. Kelberman

DPK/klf

cc: Arnold Weiner, Esquire

STATE OF MARYLAND

ROBERT A. ROHRBAUGH
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

Hampton Plaza
Suite 410
300 East Joppa Road
Towson, MD 21286-3152

Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

August 12, 2009

Dale P. Kelberman, Esq.
Miles and Stockbridge
10 Light Street
Baltimore, Maryland 21202
Via Regular Mail and E-mail

Re: State of Maryland v. Sheila Dixon
Case Nos.: 109210015-16

Dear Mr. Kelberman,

While I hope it is unintentional, your summary of the nature of the discovery requests and your discussion of them with Mr. McDonough in our office on August 10, 2009 is, at best, misleading. Addressing your points seriatim:

1. In your letter dated August 5, 2009, you requested a number of items including but not limited to copies of all grand jury subpoenas after the original indictment and copies of any and all documents obtained pursuant to such subpoenas.

On August 10, 2009, you followed up these requests during a face to face conversation with Mr. McDonough. In your correspondence dated August 11, 2009 you said that "Mr. McDonough advised us that he would not provide to us copies of the grand jury subpoenas which were issued after January, 2009...".

Your characterization is accurate, but only insofar as it goes. Mr. McDonough explained to you that the grand jury subpoenas you had seen were in connection with the discoverable material made available to you and obtained via those subpoenas. You are now asking for copies of subpoenas which resulted in no testimony or evidence. You have cited no Maryland authority for such request and the documents are not those enumerated under the discovery rules. Absent the showing required by the Maryland rules and your compliance with those rules, this Office will not provide the documents requested.

2. In your letter dated August 5, 2009 you requested this office to produce copies of notes taken by investigators and prosecutors. In your correspondence dated August 11,

EXHIBIT

4

tabbles

2009 you stated that "Mr. McDonough also advised us that he would not provide us copies of any notes of interviews of witnesses."

Once again, true only as far as it goes. Mr. McDonough explained that, to the extent any interview notes existed, they were not discoverable. He also informed you and Mr. Weiner that, pursuant to our office policy, investigators destroy their notes once their interview memorandum is written.

3. In your letter dated August 5, 2009 you requested "... copies of any statement by Mr. Lipscomb to any other law enforcement agency." In your letter dated August 11, 2009, you wrote that "...Mr. McDonough advised us that you are not in possession of any statements of Mr. Lipscomb taken by any other law enforcement agencies, so any such statements would not be available to us either."

In fact, your original request was patently overbroad. Unless they were involved in this investigation, we have no way of knowing whether "any other law enforcement agency" ever took a statement from Mr. Lipscomb. When Mr. Weiner narrowed the scope of the request to such statements in our possession, Mr. McDonough responded that he is not aware of any such statements. Regardless, you have been provided with Mr. Lipscomb's statements as required by Maryland Rules 4-263 (c)(2) and (d)(3).

4. You have also mischaracterized Rule 4-644(a). It does not require, as you said in your letter, that the clerk "maintain a record of each grand jury subpoena issued in the course of a criminal investigation..." Instead, the Rule requires that the clerk "maintain a record of each subpoena *issued by the clerk* in a criminal investigation..." As a seasoned criminal law attorney and a former prosecutor, you well know that Rule 4-643 also permits issuance of subpoenas by the foreman or deputy foreman of the grand jury. In any event, whether issued by the clerk or issued by the foreperson directly, they are subject to grand jury secrecy.

Finally, your pejorative and unprofessional comment in your e-mail about this Office's "minions" is demeaning to the men and women who work in this Office. This is not the first instance of this type of statement by the defense. In the past, there have been a number of such unprofessional statements made by the defense in this case, both in the papers and extra-judicially, that had no factual basis.

This Office will continue to provide discovery on a reasonable basis consistent with the Maryland Rules. In turn, we trust that there will be an appropriate degree of decorum and professionalism displayed by the defense team.

Very truly yours,



Robert A. Rohrbaugh
State Prosecutor

Cc: Arnold M. Weiner, Esq.
Barry L. Gogel, Esq.
Norman L. Smith, Esq.
Jeffrey E. Nusinov, Esq.
Law Offices of Arnold M. Weiner
2002 Clipper Park Road, Suite 108
Baltimore, Maryland 21211

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S E C R E T

IN THE CIRCUIT COURT FOR BALTIMORE CITY
GRAND JURY PROCEEDINGS

IN RE

SPECIAL INVESTIGATION

TRANSCRIPT OF PROCEEDINGS

Grand Jury Room
207 Mitchell Courthouse
Baltimore, Maryland
Wednesday, July 22, 2009

The Grand Inquest for the State of Maryland
for the Body of Baltimore City, was convened at 12:00
o'clock p.m., CERLISTEEN VICE, Foreperson, presiding.

PRESENT:

ROBERT ROHRBAUGH, ESQUIRE
STATE PROSECUTOR

DIANE R. WALKER, COURT REPORTER TO THE
GRAND JURY

S E C R E T

EXHIBIT
5

P R O C E E D I N G S

1
2 JUROR: Do you solemnly declare and affirm under
3 the penalties of perjury that the testimony that you shall
4 give shall be the truth, the whole truth and nothing but the
5 truth?

6 THE WITNESS: Yes.

7 SPECIAL AGENT JOHN POLIKS

8 having been first duly sworn, was examined and testified as
9 follows:

10 THE OATH CLERK: State your name and title, please.

11 THE WITNESS: My name is John Poliks. I am a
12 Special Agent with the Office of the State Prosecutor.

13 BY MR. ROHRBAUGH

14 Q. Special Agent Poliks, how long have you worked as
15 either a special agent or a police officer?

16 A. I spent a little over twenty years in the Baltimore
17 Police Department and I retired in 1995 as a detective and I
18 have been with the State Prosecutor's Office for almost
19 thirteen years.

20 Q. And in that regard did you have an occasion to
21 assist in the investigation of Sheila Dixon, especially in
22 regard to the gift cards?

23 A. Yes, I did.

24 Q. And generally, if you would go over with the ladies
25 and gentlemen of the Grand Jury the investigation relating to

1 REDACTED

1

2

3

So some of these were very difficult to trace
4 because there wasn't a credit card used or there wasn't a
5 Reward Zone card which is only applicable in Best Buy.

6

7 REDACTED

7

8 Q. Basically if you buy a card in cash and you use
9 that card in the same denomination there's no record of who
10 used it? It's basically untraceable just like cash?

11

A. That's correct.

12

13

14 REDACTED

14

15

16

17

18

19

20

21

22

23

24

25

*Thurs.
@9:00am.*

IN RE: * IN THE
 *
 GRAND JURY INVESTIGATION * CIRCUIT COURT FOR
 *
 MAY TERM, 2009 * BALTIMORE CITY
 *

SUBPOENA DUCES TECUM

TO: Zoe Michal Serve on:

YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR before the Grand Jury for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 North Calvert, Baltimore, Maryland 21202 on the 9th day of July, 2009 at 100 AM, there to testify and to provide the following:

1. For the period January 1, 2003, June 30, 2008: All records made, maintained, retained, or in the possession or under the control of Zoe Michal, relating or pertaining in any way to the solicitation, receipt, distribution or other use of gift cards by the Office of the City Council President, Sheila Dixon individually, or any member of the staff of the Council President, including but not limited to appointment books and records, correspondence, memoranda, spreadsheets, thank-you notes, other communications, (whether in electronic or hard copy form), copies or lists of recipients, items received, donors, and the identities of participating staff members.
2. For the period January 1, 2007 to the present, all records made, maintained, retained, or in the possession or under the control of Zoe Michal, pertaining to the conduct of the Mayor's Holly Trolley tour, including, but not limited to, the itinerary, records of donations in the form of cash, gift certificates or gift cards solicited or received, records reflecting persons participating or solicited to participate as a donor or otherwise, and records of what gift cards, gift certificates or cash were distributed where and to whom.

CERLISTEEN VICE

Foreperson

Date Issued

[Handwritten signature]
 CLERK

JUL 02 2009

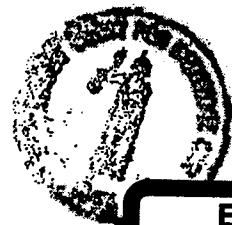


EXHIBIT
 6

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of _____, 2009, an identical copy of the foregoing Subpoena Duces Tecum was served upon Zoe Michal, by delivering an identical copy by _____, to _____.

I further certify that I am over the age of 18 years.

Signature

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111

EVIDENCE #: EV-227

DATE RECEIVED: 2/4/08
DATE SERVED/MAILED: 1/18/08
DUE DATE: 2/5/08

RECEIVED BY: M. Sprigg
CASE AGENT: J. Poliks
DELIVERY METHOD: Other

CIRCUMSTANCES OF RECEIPT
SUBPOENA

STORAGE LOCATION
ROOM
SHELF

RECEIVED FROM
NAME:
Verizon Subpoena Compliance- Becky
ADDRESS:

PHONE #:

FAX #:

ADDITIONAL SUBPOENA INFO:

INVENTORY

(Description of Items - Checks, Contracts, etc.)

- 1) Subpoena requesting subscriber information for three (3) numbers starting with
- 2) Notice stating no records found for requested numbers.

DISPOSITION: Returned: \

Destroyed:

Maintained:

EXHIBIT

7

tabbles

100145

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 346
DATE RECEIVED: 05/07/08 DATE SERVED/MAILED: 05/06/08 DUE DATE: 05/15/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: Other
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Microsoft Legal Department ADDRESS: One Microsoft Way Redmond, WA 98052	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena to Microsoft for the records of Joshua Hampton and/or Jasmine Hampton 2) Affidavit from Alexander Yap of MSN stating that no records could be located	
DISPOSITION: Returned: Destroyed: Maintained:	

10100189

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 351
DATE RECEIVED: 05/22/08 DATE SERVED/MAILED: 05/07/08 DUE DATE: 05/23/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: US Mail
CIRCUMSTANCES OF RECEIPT OTHER	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Bank of America, NA Card Services ADDRESS: 1825 E. Buckeye Road Phoenix, AZ 85054	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena and Non-Disclosure order for the account records of 2) Letter stating that the credit services department does not have the account	
DISPOSITION: Returned: Destroyed: Maintained:	

100191

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 353
DATE RECEIVED: 05/09/08 DATE SERVED/MAILED: 05/09/08 DUE DATE: 05/28/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: Other
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Nordstroms ADDRESS: 700 Fairmont Ave Towson, MD 21286	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena to for purchase record of sheila dixon 2) Email stating that no records were found	
DISPOSITION: Returned: Destroyed: Maintained:	

100192

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 354
DATE RECEIVED: 06/09/08 DATE SERVED/MAILED: 05/27/08 DUE DATE: 06/02/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: DHL
CIRCUMSTANCES OF RECEIPT OTHER	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Toys R Us ADDRESS: 10200 Reisterstown Road Owings Mills, MD 21117	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena to Toys R Us for the purchase records of Sheila Dixon 2) Affidavit stating that no records were found	
DISPOSITION: Returned: Destroyed: Maintained:	

100193

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 365
DATE RECEIVED: 03/31/08 DATE SERVED/MAILED: 03/19/08 DUE DATE: 04/04/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: Picked up
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Best Buy #282 ADDRESS: 1701 Belmont Avenue Baltimore, MD 21244	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO: Rachel Russell	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena to Best Buy for the purchase records of Howard Dixon 2) Letter stating no records found 3) print out showing no records	
DISPOSITION: Returned: Destroyed: Maintained:	

100203

OSP EVIDENCE CONTROL FORM

CASE #: 7-1111	EVIDENCE #: 392
DATE RECEIVED: 4/7/04 DATE SERVED/MAILED: 4/10/08 DUE DATE: 4/23/08	RECEIVED BY: M. Sprigg CASE AGENT: C. Thesing DELIVERY METHOD: Other
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Custodian of Records, JC Penney ADDRESS: 10400 Mill Run Cir Owings Mills., MD 21117	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Grand Jury subpoena for all records of purchases by Sheila Dixon 1/1/03 to present, including 12/6/04 for 128.73 2) Per Alexi, LP Manager, no records found	
DISPOSITION: Returned:	Destroyed: Maintained:

100219

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 415
DATE RECEIVED: 07/23/08 DATE SERVED/MAILED: 07/08/08 DUE DATE: 07/25/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: FEDEX
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: Bank of America ADDRESS: 1425 NW 62 nd Street Fort Lauderdale, FL 33309	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1. Subpoena to Bank of America for the records of Check Card Number 2. Affidavit stating no records could be located	
DISPOSITION: Returned: Destroyed: Maintained:	

100235

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 373
DATE RECEIVED: 04/09/08 DATE SERVED/MAILED: 03/31/08 DUE DATE: 04/14/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: US Mail
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: The Inn at Harvard Square ADDRESS: 1201 Massachusetts Avenue Cambridge, MA 02138	PHONE #: FAX #:
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena for records related to Sheila Dixon, Ronald Lipscomb and Doracon Contracting Inc 2) Affidavit stating that Collegiate Hospitality LLC is not in possession of Records	
DISPOSITION: Returned:	Destroyed: Maintained:

100394

OSP EVIDENCE CONTROL FORM

CASE #: 07-1111	EVIDENCE #: 520
DATE RECEIVED: 09/22/08 DATE SERVED/MAILED: 09/10/08 DUE DATE: 09/10/08	RECEIVED BY: C. Thesing CASE AGENT: C. Thesing DELIVERY METHOD: FEDEX
CIRCUMSTANCES OF RECEIPT SUBPOENA	STORAGE LOCATION ROOM SHELF
RECEIVED FROM NAME: McCormick and Schmick's Seafood Restaurant	PHONE #: FAX #:
ADDRESS: 711 Eastern Avenue Baltimore, MD 21202	
ADDITIONAL SUBPOENA INFO:	
INVENTORY (Description of Items - Checks, Contracts, etc.)	
1) Subpoena for all Lipscomb Receipt 2) Affidavit stating no records found to Mid 2005	
DISPOSITION: Returned:	

100400