

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

\*

v.

\*

Case No. 109210015

SHEILA ANN DIXON

\*

\*

.....

**STATE'S MOTION IN LIMINE TO PRECLUDE USE OF DOCUMENTS**

Comes now the State of Maryland by its undersigned counsel and respectfully moves this Honorable Court for an order limiting the defendant from utilizing documents provided by the Defendant to the State on October 29, 2009 bearing Bates Stamp numbers SD000001 through and including SD000296 in order to prevent this criminal trial from being turned by the defendant into a referendum on her performance as Mayor and for cause states as follows:

1. Documents SD000001 through and including SD 000004 consist of records of the defendant's contributions to Bethel A.M.E Church for calendar years 2009 and 2008. Contributions for 2009 are entirely after the time period covered by the pending charges and contributions for 2008 are largely outside the time period covered by the indictment. In any event, the Defendant's record of contributing to the church is wholly irrelevant to the charges in the indictment.

2. Documents SD000005 and SD000006 consist of records of the defendant's contributions to Bethel A.M.E Church for calendar years 2005 and 2006. The Defendant's record of contributing to the church is wholly irrelevant to the charges in the indictment.

3. Documents SD 000007 through and including SD 000026 consist of press releases by the Mayor's Office and what appears to be a transcript of an introduction of the defendant, all touting various activities as Mayor unrelated to the pending charges. In addition to being irrelevant to the pending charges, they also constitute an attempt by the defendant to introduce her own statements without testifying and subjecting herself to cross-examination in violation of the hearsay prohibition.

4. Documents SD000027 through and including SD000090 consist of a 2008 publication by the defendant titled "Baltimore's 10-Year Plan To End Homelessness", a hearsay statement of the defendant from period largely outside the time period covered by the pending charges and which is wholly irrelevant to the charges in the indictment.

5. Documents SD000091 through and including SD000260 consist of publications and press releases regarding jobs programs operated by the City of Baltimore which are wholly irrelevant to the charges in the indictment.

6. Documents SD000261 through and including SSD000276 is the Fiscal year 2010 "Budget for Baltimore's Children", yet another self-promoting hearsay publication of the defendant that is wholly irrelevant to the charges against her.

7. Documents SD000277 through and including SD 000280, a document entitled "Baltimore's Violence Reduction Strategy" (apparently produced sometime after September 30, 2008 since it refers to activities through that date) a topic entirely irrelevant to the theft, misappropriation and misconduct charges against the defendant, and relating to a time period well after the time period covered by the charges in this case.

8. Documents SD000281 through and including SD 000293 consist of a presentation entitled “Juvenile Violence Reduction” that is wholly irrelevant to the pending charges.

9. Document SD 000294 consisting of an undated press release (apparently from 2009) by the Governor’s Office of Crime Control and Prevention announcing a federal grant to Maryland to help fund a visitation center in Baltimore City for families involved in domestic violence. Another topic entirely irrelevant to the pending charges.

10. Documents SD000295 titled “Operation Protect” and SD 000296 entitled “Safe Streets Stop Shooting Start Living”, flyers touting anti-crime programs of the Baltimore City Police Department, a topic entirely irrelevant to the charges against the Defendant.

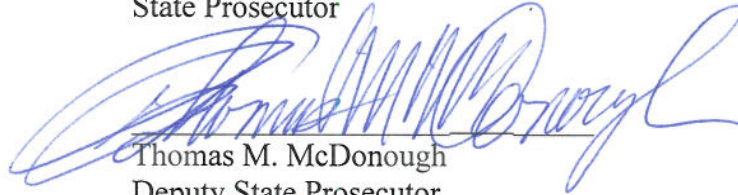
11. The obvious purpose of the defendant in seeking to use the above-described irrelevant, self-promoting documents at trial is to shift the attention of the jury from the facts alleged in the indictment and turn this proceeding from a criminal trial into a 12-person referendum on the defendant’s performance as Mayor.

12. How the defendant may otherwise perform her duties as Mayor has absolutely no relevance to whether proof at trial establishes that she violated the law as charged in the indictment.

Wherefore, the premises considered the State respectfully requests that this Honorable Court issue an order precluding the defendant from introducing or in any manner, directly or indirectly, using or referring to the documents described herein.

Respectfully submitted,

ROBERT A. ROHRBAUGH  
State Prosecutor



Thomas M. McDonough  
Deputy State Prosecutor  
Suite 410, Hampton Plaza  
300 East Joppa Road  
Towson, Maryland 21286  
(410) 321-4067

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of November, 2009 a copy of the foregoing:

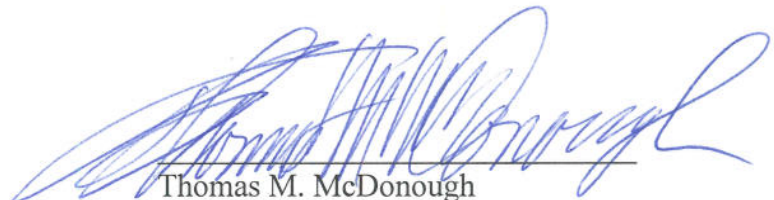
**STATE'S MOTION IN LIMINE TO PRECLUDE USE OF DOCUMENTS**

was mailed, postage prepaid, and e-mailed to:

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

and

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



Thomas M. McDonough