

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

RECEIVED

STATE OF MARYLAND

*

v.

*

2009 OCT 23 P 12: 59
Case No. 109210015

SHEILA ANN DIXON

*

CRIMINAL DEPT.

*

.....

**STATE'S MOTION IN LIMINE TO PRECLUDE ANY USE OF
INFORMATION OBTAINED FROM ANY GRAND JURY SUBPOENAS
WHICH HAD BEEN ISSUED AND WITHDRAWN**

Comes now the State of Maryland by its undersigned counsel and respectfully moves this Honorable Court for an order limiting the defendant from utilizing any information pertaining to the grand jury subpoenas which had been issued and withdrawn and which were the subject of the defendant's motions to compel and for an extension of time to file pretrial motions and for cause states as follows:

1. Since the return of the indictment in the above-captioned matter, the defendant has asserted that, not only was she entitled to a copy of every grand jury subpoena issued, but that such documentation was essential to the defendant being able to file a pre-trial motion to dismiss.

2. Notwithstanding the State's representation that the grand jury subpoenas had been withdrawn prior to any testimony or documentation being produced, the defendant continued to press, unrelentingly, her position that the documentation was necessary to prepare a motion to dismiss.¹ In fact, one section of the defendant's motion to compel the production of the grand jury subpoenas is entitled, "The Grand Jury Subpoenas are

¹ The obvious reason the subpoenas were withdrawn by the State was for the tactical reason of preventing the defendant from filing, yet again, another meritless pre-trial motion, especially since the State did not consider the information which was being sought to be essential.

Relevant to a Motion to be Filed By the Defense.” In her subsequent motion seeking an extension of time to file pre-trial motions, the defendant claimed she would need additional time from the receipt of the documentation to “conduct further factual investigation, and prepare additional motions based upon such information.”

3. Notwithstanding the Court’s comments to the defendant that testimony concerning withdrawn subpoenas would not be admissible, the defendant persisted that she needed the documentation to file pre-trial motions.

4. After granting the motion and after the State produced the two additional withdrawn subpoenas, the defendant filed no pre-trial motions.

5. It is now clear that, having filed no pre-trial motions, the defendant had misrepresented in her papers the need for the withdrawn subpoenas.

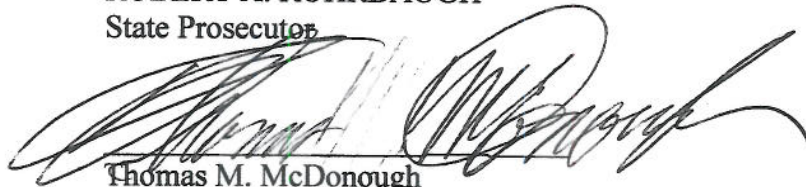
6. Considering that the Court ordered the disclosure of the documents based upon the representations that the information was necessary in order to file pre-trial motions and further considering that no motions were filed, the defendant should be precluded from using, or attempting to use, the information for some other reason at the trial.

7. In addition, the fact that grand jury subpoenas were issued and later withdrawn is irrelevant to any trial issue. This position is reinforced by the fact that, at the hearing on the defendant’s motion, this Court suggested, in a very straightforward manner, that the information would not be admissible at the trial. Notwithstanding the court’s statements about the irrelevancy of the issuance of a subpoena, the defendant continually rejected the notion. Therefore, it appears that the defendant will, in some manner, attempt to use the fact that grand jury subpoenas had been issued, regardless of the court’s view.

Wherefore, the premises considered the State respectfully requests that this Honorable Court issue an order precluding the defendant from introducing, utilizing or in any manner, directly or indirectly, using information about any grand jury subpoena which had been issued and withdrawn.

Respectfully submitted,

ROBERT A. ROHRBAUGH
State Prosecutor



Thomas M. McDonough
Deputy State Prosecutor



Shelly S. Glenn
Senior Assistant State Prosecutor



Tamara M. Gustave
Assistant 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 23rd day of October, 2009 a copy of the foregoing:

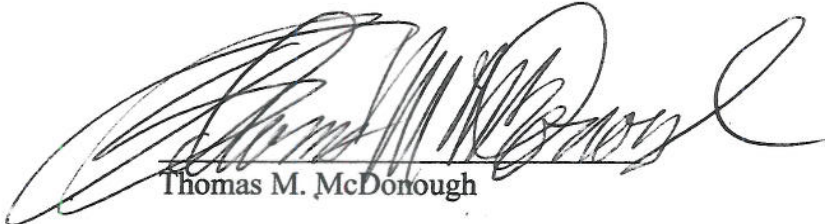
STATE'S MOTION IN LIMINE TO PRECLUDE ANY USE OF INFORMATION OBTAINED FROM ANY GRAND JURY SUBPOENAS WHICH HAD BEEN ISSUED AND WITHDRAWN

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.
Law Offices of Arnold M. Weiner
2002 Clipper Park Road, Suite 108
Baltimore, Maryland 21211



Thomas M. McDonough