

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

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v.

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Case No. 109009009

SHEILA ANN DIXON

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**STATE'S RESPONSE TO THE DEFENDANT'S MOTION TO QUASH AND
THE STATE'S REQUEST FOR APPROPRIATE RELIEF FOR FAILURE OF
THE DEFENDANT TO COMPLY WITH THE MARYLAND RULES OF
PROCEDURE PERTAINING TO CRIMINAL INVESTIGATIONS**

Comes now the State of Maryland, by and through counsel, and responds to the Defendant's Motion to Quash Grand Jury Subpoenas and for Other Appropriate Relief as follows:

1. The Motion has been filed in direct contravention of the Maryland Rules of Procedure and specifically Rule 4-642 pertaining to criminal investigations and the method of raising issues pertaining to grand jury investigations. Maryland Rule 4-642 (a) and (b) provides that all records of the court "pertaining to criminal investigations shall be sealed" and hearings before the court relating to "the conduct of criminal investigations shall be on the record and shall be conducted out of the presence of all persons except those whose presence is necessary."

2. The Defendant in this case has filed the pending motion in the public record without having the motion sealed and, since its original filing, has made no effort to have the motion withdrawn and filed appropriately. As will be discussed in more detail at an appropriate hearing, the Defendant is well aware of the procedure which is required when grand jury matters are being challenged.

3. The effect of the action of the Defendant in improperly filing this motion in the public record, rather than under seal, is to inappropriately influence the potential jury pool and prospective jurors.

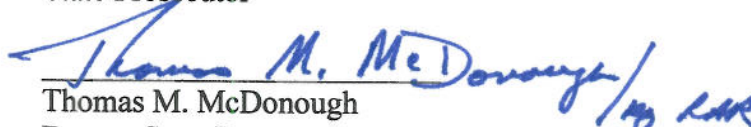
4. It would be equally inappropriate for the State to respond with specificity in the public forum at this time. Nevertheless, the State is compelled to respond generally that, in light of the recent developments which are a matter of public record, including the Court's dismissal of portions of the pending indictment and the subsequent entry of Mr. Lipscomb's plea, any further actions, such as any possible further investigations, by the State are appropriate. Additionally, as will be more fully discussed at a more appropriate time and in the appropriate forum, there are substantial issues, including but not limited to:

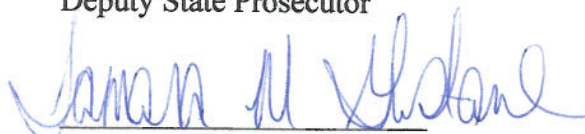
- a. whether the Defendant has standing to raise the issues set forth in her motion;
- b. whether such issues are ripe for consideration;
- c. whether the issues are being raised prematurely in the public forum for other reasons;
- d. whether the issues raised by the Defendant are moot

WHEREFORE, for these reasons and others which will be set forth at any hearing, the State of Maryland respectfully moves this Honorable Court to deny the Motion to Quash or, alternatively, to Strike the Motion to Quash and for such other and further relief as this Court deems appropriate and reasonable, if the Court determines there was an intentional violation of the Maryland Rules of Procedure.

Respectfully submitted,

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State Prosecutor


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 2009 a copy of the foregoing: **STATE'S RESPONSE TO THE MOTION TO QUASH AND THE STATE'S REQUEST FOR APPROPRIATE RELIEF FOR FAILURE OF THE DEFENDANT TO COMPLY WITH THE MARYLAND RULES OF PROCEDURE PERTAINING TO CRIMINAL INVESTIGATIONS** was mailed, postage prepaid, to: *re-mailed*

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Deputy State Prosecutor *Robert A. Rohrbaugh*