

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

*

v.

*

Case Nos. 109210015

SHEILA ANN DIXON

*

109210016

**STATE'S RESPONSE TO THE DEFENDANT'S MOTION TO COMPEL
DISCOVERY**

Comes now the State of Maryland, by and through counsel, and responds to the Defendant's Motion to Quash Compel Discovery as follows:

1. Defendant was indicted in case number 109009009 on January 9, 2009.
2. Following an extensive hearing on April 23, 2009, this Court, by written opinion dated May 28, 2009, dismissed five counts of that charging document on the basis that evidence subject to legislative privilege was presented to the indicting grand jury.
3. Following this court's ruling, the State presented evidence to a new grand jury, excluding the allegedly privileged material and including the testimony of Ronald Lipscomb, testimony that was not available to the State when the original indictment was returned.
4. Subpoenas were issued for additional witnesses and documents, which were then withdrawn by the State before any testimony was taken or evidence provided. No testimony, evidence or information was received by the State or the grand jury pursuant to any of those withdrawn subpoenas.
5. Based upon the evidence presented to it, the new grand jury returned the present two indictments charging the defendant with perjury, theft, and other offenses.
6. Upon return of these indictments, a *nolle prosequi* was entered by the State to the remaining counts of indictment number 109009009.
7. The defendant has been provided copies of the transcripts of all of the testimony and exhibits obtained by or presented to the indicting grand jury in this case. *See, Exhibit I*, attached hereto.

8. Contrary to the suggestion offered by the defendant, the mere existence of a subpoena to which no response was required or provided is neither exculpatory nor inculpatory.

9. Defendant has utterly failed to establish particularized need for the disclosures sought, as required by Maryland Rule 4-642.

10. Filed herewith and incorporated herein is a Memorandum In Support Of State's Response To The Defendant's Motion To Compel Discovery.

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 Compel Discovery and for such other and further relief as this Court deems appropriate and reasonable.

Respectfully submitted,

ROBERT A. ROHRBAUGH
State Prosecutor

BY 

Thomas M. McDonough
Deputy State Prosecutor


Tamara M. Gustave

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EXHIBIT I

RECEIPT

On this 10th day of August, 2009, I received copies of the following discovery from the Office of the State Prosecutor in the matters of State v. Sheila Ann Dixon:

- ✓ 1. Transcript of testimony, John Poliks 7/22/09 (40 pgs)
- ✓ 2. Transcript of testimony, John Poliks 7/29/09, with attached Exhibits 1 & 2 (78 pgs).
- ✓ 3. Transcript of Testimony, Ronald Lipscomb 6/30/09 (190 pgs)
- ✓ 4. Report of Interview of Ronald Lipscomb dated 6/18/09 (4 pages, redacted)
- ✓ 5. Report of Interview of Ronald Lipscomb dated 6/17/09 (4 pages, redacted)
- ✓ 6. Report of Interview of Dennis Cullop dated 8/5/09 (3 pages)

Date: August 10, 2009

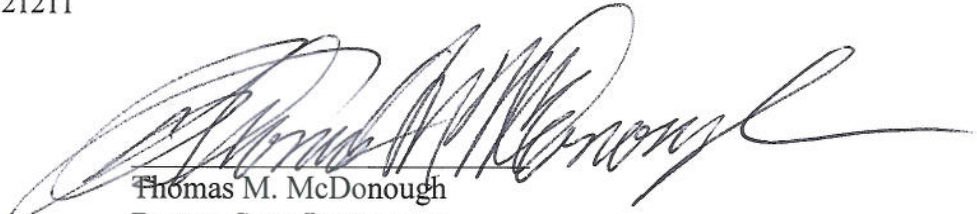
DAVE P. KELBERMAN
Dave P. Kelberman
Attorney for Sheila Ann Dixon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2009 a copy of the foregoing: **STATE'S RESPONSE TO THE MOTION TO COMPEL DISCOVERY** was mailed, postage prepaid, 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
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Baltimore, Maryland 21211



Thomas M. McDonough
Deputy State Prosecutor