

STATE OF MARYLAND

Appellant

v.

EDWARD NERO

Appellee

*

IN THE

*

COURT OF APPEALS

*

OF MARYLAND

*

**Petition Docket No. 660
September Term, 2015**

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**(No. 2636, Sept. Term, 2015
Court of Special Appeals)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals, the motion for expedited review, the motion to stay circuit court proceedings, the supplements and the answers filed thereto, in the above entitled case, it is this 18th day of February, 2016

ORDERED, by the Court of Appeals of Maryland, that the petition and the supplements be, and they are hereby, granted, and a writ of certiorari to the Court of Special Appeals shall issue; and it is further

ORDERED, that the issue in the case is as follows:

Does Courts and Judicial Proceedings Article, § 9-123 require a court to order compelled, immunized witness testimony after verifying that the statutory pleading requirements of the prosecutor's motion to compel have been met, or does the statute instead permit a court to substitute its own discretion and judgment as to whether compelling the witness's testimony may be necessary to the public interest such that the court may deny a prosecutor's motion to compel even if the motion complies with the statute's pleading requirements?

and it is further

ORDERED, that in addition to the issue above, the parties are directed to brief the following issue:

Whether the circuit court's order denying the State's motion to compel Officer William Porter to testify is appealable i.e. whether the order is a final judgment or an interlocutory order subject to appeal or an order appealable on any other basis?

and it is further

ORDERED, that pursuant to the Court of Appeals of Maryland's inherent authority with respect to matters pending before it, the trial proceedings in the above entitled case scheduled in the Circuit Court for Baltimore City is hereby stayed pending further order from the Court of Appeals of Maryland; and it is further

ORDERED, that said case shall be transferred to the regular docket as No. 97, September Term, 2015, and be subjected to **expedited scheduling**; and it is further

ORDERED, that counsel shall file briefs or memoranda and printed record extract in accordance with Md. Rules 8-501 and 8-502, appellant's brief or memoranda and record extract to be filed on or before February 24, 2016; appellee's brief or memoranda to be filed on or before February 29, 2016 by noon; and reply brief (s) or memoranda to be filed on or before March 2, 2016 by noon; and it is further

ORDERED, that this case shall be set for argument on Thursday, March 3, 2016.

/s/ Mary Ellen Barbera

Chief Judge

STATE OF MARYLAND

Appellant

v.

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* IN THE
* COURT OF APPEALS
* OF MARYLAND
* Petition Docket No. 660
September Term, 2015
* (No. 2636, Sept. Term, 2015
Court of Special Appeals)

WRIT OF CERTIORARI

STATE OF MARYLAND, to wit:

TO THE HONORABLE THE JUDGES OF THE
COURT OF SPECIAL APPEALS OF MARYLAND:

WHEREAS, STATE OF MARYLAND v. EDWARD NERO, No. 2636, September Term, 2015 is pending before your Court and the Court of Appeals is willing that the record and proceedings therein be certified to it.

YOU ARE HEREBY COMMANDED TO HAVE THE RECORD TRANSMITTED TO THE COURT OF APPEALS OF MARYLAND IMMEDIATELY, together with this writ, for the said Court to proceed thereon as justice may require.

WITNESS the Chief Judge of the Court of Appeals of Maryland this 18th day of February, 2016.

/s/ Bessie M. Decker
Clerk
Court of Appeals of Maryland