IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND	:	
v.	:	Criminal No. 120820
BRANDON JACKSON-GREEN,	:	
Defendant.	:	

MOTIONS HEARING

Rockville, Maryland March 7, 2013

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, MD 20874
(301) 881-3344

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND	:	
v.	:	Criminal No. 120820
BRANDON JACKSON-GREEN,	:	
Defendant.	:	

Rockville, Maryland

March 7, 2013

WHEREUPON, the proceedings in the above-entitled matter commenced

BEFORE: THE HONORABLE DAVID A. BOYNTON, JUDGE

APPEARANCES:

FOR THE STATE:

KAREN MCNEELEY, Esq.
SEAN ANDREWS, Esq.
State's Attorney's Office
50 Maryland Avenue, 5th Floor
Rockville, Maryland 20850

FOR THE DEFENDANT:

CATHERINE WOOLLEY, Esq.
1 Church Street, Suite 800
Rockville, Maryland 20850

I N D E X

Page

EXHIBITS	MARKED	RECEIVED
For the State:		
(None)		
For the Defendant:		
Exhibit No. 1	26	--
Judge's Ruling		19

P R O C E E D I N G S

THE CLERK: Criminal Case No. 120820 State of Maryland versus Brandon Jackson-Green.

MS. MCNEELEY: Good afternoon, Your Honor, Karen McNeely and Sean Andrews on behalf of the State.

THE COURT: All right, good afternoon.

MS. WOOLLEY: Good afternoon, Your Honor, Catherine Woolley on behalf of Mr. Jackson-Green who I saw come up and I'm sure will be present in a moment.

THE COURT: Okay.

MS. WOOLLEY: Your Honor, just for clarity sake in the memorandum I had not filed the attachments but put them in a courtesy copy to the Court. And I just wanted to make sure that the Court had had a chance to review that or to make that note to the Court. I had advised chambers that --

THE COURT: Okay, so what I have is --

MS. WOOLLEY: I filed initially a motion to exclude or restrict.

THE COURT: Yes, and there's a memorandum in support thereof?

MS. WOOLLEY: Yes, did the memorandum come in that had the thick copy?

THE COURT: Yes, thick copy with dividers in the back?

MS. WOOLLEY: That's it. Okay.

THE COURT: Okay. And then State's response.

MS. MCNEELEY: Correct.

THE COURT: Okay, are you ready to proceed?

MS. WOOLLEY: Yes.

THE COURT: Okay, go ahead.

MS. WOOLLEY: Thank you, Your Honor. Your Honor, this matter comes before the Court on a motion to exclude or restrict. And I'd actually just like to amend the caption or I don't need to amend the caption but just let you know that, that what we are really asking is not to exclude but to restrict or to limit.

THE COURT: Okay.

MS. WOOLLEY: And let me just briefly address the two cases cited by the State. And then speak a little bit to the substance of this.

The Fleming case -- I'm sorry, get my notes out. The Fleming case doesn't go to the specific issue. What they did in Fleming and I'll be candid, I think they got a little too fancy in Fleming. In Fleming they asked for the complete exclusion of firearm testimony arguing that it was improperly admitted because the State had used this traditional comparative microscopic instead of the CMS method.

And what the Court of Special Appeals said in that is you're not entitled to the fanciest and that that would be essentially cross-examination material. CMS is comparative

microscopic matching.

What they did say is that the trial Court didn't error because this was okay, this traditional method was okay. And we're going to ask the Court to take a closer look at that because in just addressing whether the defendant was entitled to the CMS method they did not look at the real limitations that were outlined in the two reports that we attached for the State, that Congress directed the National Academy of Sciences to perform in which as we have laid out, I mean they've got I don't know 22 Nobel Prize winners on that at the National Academy of Sciences. This isn't something that is, this is a Government Report. This is substantive. This isn't an advocacy on one side or the other. These are the foremost scientists in the world saying this has severe deficiencies.

To the extent that we have both cited Willock, the State is correct in saying that Judge Grimm found that it was a complete exclusion was required because someone else had done this testing. But what they didn't point to was that Judge Cross specifically and Judge Grimm specifically cited these reports. And said, "However, in light of National Research Council's studies that call into question tool mark identification status as science", end quote, Judge Grimm concluded that tool mark examiners must be restricted in the degree of certainty with which they express their opinions.

So our bottom line is I couldn't find, and I could

search up and down forever, but I know there's not any case that says firearm tool mark identification is out. It's excluded. But what they have said in light of these two reports is that people can't go as far as has been traditionally, tool mark examiners can't go as far as has been traditionally accepted. That you can't say to the exclusion of all other firearms. And that you can't say to a degree of scientific certainty.

Fleming may facially compete with that but had the Court of Special Appeals been squarely asked to look at these reports, these findings and not just, and had trial counsel been arguing these reports as opposed to I think, you know, getting a little too fancy, that we may have come up with a different conclusion.

Specifically in United States v. Glee, Judge Rachoff (phonetic sp.) of the Federal District Court said that ballistics set of germination not only lacks the rigor of science but suffers greater uncertainty than any other kinds of forensic evidence. On that basis the Court concluded that to allow any ballistics examiner to testify that he had matched a bullet or casing to a particular gun to a reasonable degree of ballistic certainty would seriously mislead the jury. And held that ballistics opinions must be stated in terms of more likely than not but nothing more.

So that's what we're asking. We're asking that he

can get up, this firearms tool mark examiner. He can talk about his experience. He can talk about the things he has done. He can talk about the methods he's used. But there is no statistical or quantitative measurement by which he can say it can be this gun, that these bullets and this casings matched this gun. You can't put a number on it. And you can't say to the exclusion of all other firearms.

As this Court may know through its own experience, hearing about these cases and whatever familiarity we all have with firearms, this is the theory that each gun will leave an individual mark because of the way that a gun is manufactured. And traditionally and this is guns were hand filed when they were finished. And that may have in the past led to more of an individual imprint on the shell casings because the tool mark happens when the harder surface of the gun comes into contact with the softer surface of the shell casing as the Court knows.

But this is as these reports have pointed out not something that as time has passed that can no longer, it just can't be sustained that way. These are credible. They're credible. They have been cited by Federal cases, by Federal Courts and our State Courts. And again, what we are asking for is not a complete exclusion but some reasonable limitation based on the current state of our understanding of this, what is even called by the governing body for firearm tool mark examiners, the ATEM, a theory of identification.

THE COURT: Okay. Go ahead.

MS. MCNEELEY: Your Honor, as I outlined in the State's response the issue here is and my understanding of what the Defense's issue is is what Mr. Esposito (phonetic sp.) will say in terms of his findings. His findings have been presented.

The issues in these cases in Willock and in Fleming were how the process took place. And first of all the Fleming Court address that this is permissible under Frye-Reed. Well, Frye-Reed is what we use to analyze scientific testimony. So the Court is saying right there that this is a science and it's a forensic science that is admissible in terms of testimony under Frye-Reed. How Mr. Esposito will classify his findings is to a reasonable degree of scientific certainty.

Now if there are issues of any of the, you know, possibilities of CMS versus microscopic, that's subject to cross-examination and that is what every Court has stated. His report was completed. His report was peer reviewed. All of his identification markings, all of his notations were provided to the Defense. The only thing that the Courts have said is that an examiner cannot say 100 percent. And that's not what he's going to state. What he would state is to a reasonable degree of scientific certainty.

The National Academy of Sciences report also address things like fingerprints. And the United States v. Glee, is a

Federal case where the Court, you know, the Defense attempted to eliminate the fingerprint because it's not, there's no scientific comparison. It's somebody looking at two fingerprints and comparing them. The Court found that that was not the way to go and ruled in the favor of the Government and that the fingerprint analysis is permissible.

There are cases out of the District of Columbia Court of Appeals that have recently been decided stating that this tool marking examination is admissible, that it's admissible as science. If they want to cross-examine on the alternative method it's appropriate for cross-examination. But under all of the case law the testimony is permissible.

And as the Fleming Court, the Fleming Court while the actual trial took place before the 2009 study was conducted or published, the Court on review had the study and had the entire criticism of the tool mark examination available to it and addressed that. And the Fleming Court still say that this is permissible testimony under Frye-Reed. And the Court went out of its way to state that by saying even if we didn't find that this was a harmless error, we would find that this is permissible testimony under Frye-Reed, therefore, that makes it a science. And that makes it something that the examiner can testify to a reasonable degree of scientific certainty as to his findings.

If they want to cross-examine him on his procedure,

his findings, then that's subject to cross-examination. But the issue of limiting his opinion should not be, he should not be restricted in how he phrases. And he is someone who testifies throughout the country. He is with, we're not talking about a State police crime analyst or anything to that effect. We're talking about someone with the Federal Bureau of Alcohol, Tobacco, and Firearms and Explosives.

So he testifies as an expert across the country. His testimony has been admissible across the country. And his statements to a reasonable degree of scientific certainty have been admissible across the country. And under Fleming and under Willock and the State of Maryland it should be the same finding.

MS. WOOLLEY: Your Honor, may I just briefly?

THE COURT: Okay, go ahead.

MS. WOOLLEY: Thank you. Appellant Courts don't address issues that haven't been raised at the trial court below. So it is not possible for the Appellant Court to have reached this specific issue with respect to the specific reports. Yes, they cited them but they did not look at specifically the traditional method and the inherent flaws because they were not argued to the trial court. So Fleming does not control us to that extent.

It is certainly permissible for this Court to say these reports are now available to me at the trial level. I

have reviewed them and I come to the conclusion that this testimony must be limited as Federal Courts have found it after these reports have been given at the trial court level.

And that's what happened in Masume (phonetic sp.) and Willock. In Masume and Willock, Bob Bogman (phonetic sp.) and I can't remember the other attorney. They started off as a death penalty cases. And these reports were presented to the trial court. And the trial court was able to review and say based on my review of these reports these are my findings.

And that is exactly what Judge Grimm did. He said based on my review, one, these reports are important. They are controlling. They are at the direction of Congress. And they are from our foremost academy. And the only reason that it ended up as a complete exclusion I will grant the State is because this particular examiner who is going to testify hadn't done the actual test.

But even if you backed that out there still would have been substantial limitations. And to say that once when these reports specifically say you can't say to a degree of scientific certainty because there's no way to quantify what is inherent, what is based on solely the firearm tool mark examiner's personal experience. All he can say is I've looked at this gun and I've looked at this many hundreds or thousands of guns before it.

How do you quantify that? What statistic do you use?

What metric do you use? And so to say that to a jury and to say it to a reasonable degree of scientific certainty is just not where we are. They're essentially counting lines on shell casings and bullets.

And I cannot stand here and say just toss it all out because that's not what any court has said and I don't have a good faith basis for that. But what this Court can say is that he can testify based on his experience. He can testify based on his training. But that you are not going to permit him to quantify when there is no quantification. Or to say to the exclusion of any other firearm in the world.

THE COURT: Okay, so when you say quantify you mean using the expression to a reasonable degree of scientific certainly? Or do you mean that, I mean my experience with this in the past has been similar to fingerprints where a firearm examiner will do the side-by-side microscope. And then it really depends upon the uniqueness of the marks and the number of marks and really the uniqueness of the marks that allows them to either draw the conclusion or not.

And I don't know if it used to be that the examiner would come in and say well there's insufficient detail to give a unique identification. But I can say that it's consistent with having been fired with this kind of a gun because there is 11, you know, 7 twist to the right or there's 6 twist to the left, but not enough uniqueness to say it came from the gun.

Or they can come in and say here's what I looked at. And they would show photographs of what they looked at. And they would talk about the striations and the lands and grooves and the marks and the this and the that. And when you slide them side-by-side, he could describe what you would typically see, what makes this unique, blah, blah, blah, how the firing of guns changes the barrel after every shot, and that's what would makes it unique.

And that really was, it was sort of a factual question that the jury would have to decide about are these things really unique enough to be able to say that it had to have been fired from this gun or was it not.

So are you talking about limiting the expert from saying this bullet was fired from this gun? Is that what you wanted the restriction to be?

MS. WOOLLEY: No, well let me perhaps phrase it differently just so I make sure I'm answering the Court correctly.

THE COURT: Yes.

MS. WOOLLEY: What the Court was first describing was in this latter part was a factual determination for the jury. You can show the jury the pictures. This is what I saw. This is what I saw.

THE COURT: Yes.

MS. WOOLLEY: That's going to come in. I mean --

THE COURT: Right.

MS. WOOLLEY: And in that sort of factual determination for the jury is I think is not what we're asking to limit. And the first part of the Court's I think comment was in its experience was the microscopic examination.

THE COURT: Yes.

MS. WOOLLEY: And how these are test fired and then examined. Again, I've no problem, well I wish I had a problem.

THE COURT: Yes.

MS. WOOLLEY: But that is not something we're seeking to limit. What we are seeking to limit is the one step further, Your Honor, at this point which is I can say it's a degree of scientific certainty. And I understand what Fleming says. But when you look at, and this was not argued to the trial court, but when you look at the ballistics imaging report which is by the National Academy of Science --

THE COURT: Yes.

MS. WOOLLEY: -- there is subjectivity inherent in the analysis. And, you know, these reports are in total over 1,000 pages. So I don't want to, but what the ballistics imaging, I'm sorry, the firearms identification said is branches of forensic science slight to a market evaluation are increasingly concerned with how their fields fit into either standard under Frye-Reed. Cognizant that the precedent of a single ruling of inadmissibility could jeopardize future

proceedings.

So what they are talking about and it is the subjective determination based on intuition and experience. That's what it is. And so he can talk about his experience. And he can talk about his intuition. But it is inherently subjective. And subjective isn't science.

THE COURT: Yes.

MS. WOOLLEY: So based on the fact that these cases have been or these reports have been raised at the trial level, the Court can certainly look at these and come to a slightly different conclusion than what is facially apparent in Fleming.

Again, we are not arguing that Mr. Jackson-Green was entitled to a more advanced procedure that I think is appropriate ground for cross-examination. Why didn't you do this? Why didn't you do this? Isn't that available to you?

But what we are saying are the inherent flaws and they have now been identified by these reports shouldn't be, that you shouldn't be saying to a jury that they're quantified. And certainly again, you know, in Willock that was their conclusion that based on these reports, which were argued at the trial level which were subject to motions hearings which were extremely lengthy given there was a death penalty case.

THE COURT: Yes.

MS. WOOLLEY: They said, however, in light of, just to recap, however, in light of the recent National Research

Council's studies that call into question tool mark identifications stats of science, we conclude that the tool mark examiners must be restricted in the degree of certainty. And they are talking about a more likely than not.

THE COURT: Okay. Let me ask this. In our case --

MS. WOOLLEY: Sure.

THE COURT: -- was it the projectile that was the subject of the comparison or was it the shell casing?

MS. WOOLLEY: Both.

THE COURT: Or was it both?

MS. WOOLLEY: It was both.

THE COURT: Okay.

MS. WOOLLEY: There are bullets and there are shell casings recovered. It is from a 9mm Sig. And there are five shell casings and bullets recovered.

THE COURT: Okay, alright well let's do this.

MS. MCNEELEY: Your Honor?

THE COURT: Yes.

MS. MCNEELEY: I just want to point out the study goes into all of these various different sciences. And it basically says DNA is the only science that that study would acknowledge because it's the only one that has all of the numbers that can correlate. So to rely on that study alone would be to say there's no other science out there other than DNA. And that's exactly what Fleming is saying is not true.

And Fleming is saying, you know, this is subject to Frye-Reed. It's admissible under Frye-Reed. That implies right there that it's a science.

The conclusions, the AFTE, the governing body for tool mark examiners, they publish, you know, the range of conclusions that they can do are identification, inconclusive, or elimination. And they also, you know, you can see their firearms false-positives are 1.9 percent, false-negatives, 0.4 percent. I mean it is about as good as you can get. And Mr. Esposito's report does make his findings extremely clear. And all of the photographs were provided. So I just wanted to point that out.

And the idea of saying a reasonable degree of scientific certainty, that provides the leeway in cross-examination. And that provides the limitation. But it is to a degree of scientific certainty because this is a science.

THE COURT: Okay. Alright, well let me just take a brief recess here, look at a couple of things again after having heard argument. So why don't you come back in about a half an hour. Alright.

Are you going to keep him up here or take him downstairs?

THE SHERIFF: We'll just keep him up here.

THE COURT: Okay, alright, so we'll recess.

THE CLERK: All rise.

The Court's in recess.

(Recess)

THE CLERK: All rise.

JUDGE'S RULING

THE COURT: Alright, thank you. Please be seated.

Okay, so we're back on the record now in Brandon Jackson-Green. And the counsel for both parties are present and the defendant himself is present in court.

So I've looked again at some of the information that's been presented and the arguments that have been presented on the defendant's motion to limit the manner in which State's tool mark identification expert would testify in court.

I guess just to start with I think that when you look at the National Academy reports or articles they seem to sort of be zeroing in on, well first of all they don't deal with obviously the admissibility of evidence. They seem to be zeroing in on the idea of a test as opposed to scientific evidence. Because they start talking about this new procedure of CMS which has not yet been generally accepted in the community. And they're trying to relate statistical data to marks that are seen on a case to come up with an automatic answer. That if there's a certain statistical correlation amongst these stria that are found, therefore it equals a

match.

That is different than what tool mark examiners do which is observe. They understand the science of metallurgy and tool marks. And based upon their training and experience they form an opinion about whether or not tool marks made on a particular shell casing or projectile are similar enough to the tool marks made on a shell casing or projectile fired at a test firing that the tool mark examiner can make a comparison and can say in my opinion they were fired from the same gun.

So there's a science behind that similar to fingerprinting where someone came up with a theory that because of the uniqueness of the characteristics on a person's fingerprint, that no two could be the same. Well that was a mathematical theory. And then over time as data began to become collected and they began to understand it it became to be accepted and eventually it was found to be scientifically reliable. And it became admissible in courts.

The same thing happened with tool mark identification where the theory in metallurgy science is that manufacturing processes cause unique marks on items and including the inside of a barrel. And, therefore, when a bullet is fired through that barrel that unique marks will be made on it.

Another aspect of metallurgy is that because the metal is soft every time a fire occurs that those individual characteristics change overtime. And that's the theory behind

the fact that they're all dissimilar. Overtime as they compare more and more and they do more comparisons they find that to be true. And so, therefore, it becomes accepted in courts under Frye-Reed analysis that it's generally accepted in the scientific community.

So I think there's a difference between a test like DNA and scientific evidence, which can be in the form of an opinion from an expert based upon training and experience.

Well I guess the other aspect of this is that clearly tool mark identification in terms of firearms identification has been accepted by this Court and courts around the country for a long time, having passed the Frye-Reed analysis. There's nothing in the reports that I've read that seems to undermine that. It really talks about a new procedure that someone believes might be more accurate or more reliable. But that's not even generally accepted in the scientific community because it's so new. It's only been around since the late 1990s and it hasn't really been used prolifically throughout the industry or adopted by the industry.

So the fact that there may be a second procedure that might be equally or more reliable doesn't mean that this procedure is not reliable. And there's been no case that I'm aware of that has ruled from an Appellant level that this type of tool mark identification does not meet the reliability standard necessary for admissibility in court.

I think that the reports even acknowledge that there are circumstances under which there would be sufficient tool marks that an expert could say, yes, this bullet came from that gun. They also seem to say that there are many cases where there may not be. And that seems to be the problem that the National Academy report has with tool mark identification. The fact that in every single case you can't come up with an answer. Well, that's sort of the nature of expert testimony.

In those cases where there's insufficient either class characteristics or individual characteristics then there won't be identification. But in those cases were there are, then they will form the opinion and they'll express that opinion.

So to say that it's not a test doesn't mean it's not scientific. I think clearly tool mark identification is based on the scientific principles of metallurgy and tool marks. And that sort of is the definition of scientific evidence.

In the cases that I read, I guess it was the Fleming case. Obviously, they found that it was appropriate for the examiner to give his opinion. In the other case, I'm not really sure that was really all that helpful, the Willock case because in that case the parties had already agreed going in to the trial that the report was admissible and that the expert could give identification testimony. And the parties agreed ahead of time that Esposito should not be permitted to express

his opinions with any degree of certainty.

The Court just simply adopted that because that was the parties' agreement. The Court didn't make any finding that that should be the case. The Court just simply said that the parties have agreed to these certain things. And the Court said the Court finds that that's appropriate. So, therefore, Mr. Hebron's (phonetic sp.) motion was denied.

So Willock doesn't really deal with the issue of whether or not some court has found that the opinion expressed should be limited. It just simply approved what parties had already agreed to in that case.

So I think based upon the information provided I don't think that the National Academy reports that have been provided really detract from the reliability of this particular procedure, the tool mark identification procedure. And I think because the opinion of the tool mark identification expert is based on the science of metallurgy that it would be appropriate to express it in terms of to a reasonable degree of scientific certainty.

That's the way it's been done as far as I know for a long time because although the opinion is not a test per se, it is an opinion based upon principles and techniques of science. And that's why it would be considered scientific evidence.

So at this point then I would deny the motion to restrict the testimony to simply detailing what he observed.

Certainly under Frye-Reed he would be permitted to express an opinion. And I think that the question for the jury is going to be to decide whether or not he had sufficient information or detail to give that opinion, which would be certainly subject to cross-examination by Defense counsel during this case.

But I think like any other medical expert, many scientific experts, they express their opinions once they have collected sufficient data. And physicians come to court. They give diagnosis and prognosis to a reasonable degree of medical certainly. Is that a test result? No. It's their opinion based upon medical training. So their diagnosis that it's X or their prognosis that it's Y or that in their opinion the person will never work again. That comes out as a reasonable degree of medical certainty although it's not a test result.

So I think this is sort of similar to that. Anyway I'll deny the motion to restrict the firearms testimony.

Okay, go ahead.

MS. WOOLLEY: Your Honor, just for the record I don't read either of these reports as dealing exclusively with CMS. I believe that they deal with tool marks as evidence. And specifically the traditional method of tool mark identification should that become an issue at a future time.

THE COURT: No, I agree that what you provided me does talk about that. But their criticism seems to be that it's subjective. And that it's not similar to CMS which is

attempting to do comparisons by statistical analysis as opposed to physical observation and training and experience.

MS. WOOLLEY: Yes, the traditional method does not do what CMS is attempting to do.

THE COURT: Right.

MS. WOOLLEY: And in that regard I would still regard these two reports as something upon which the Defense could cross-examine the expert.

THE COURT: Okay. Well, I can't rule on that in advance. I'll just have to wait question-by-question and see how it goes.

MS. WOOLLEY: Do I need to so they become part of the record move the courtesy copy in? Or should I make copies and move these in at a subsequent time?

THE COURT: It probably would be a good idea to at least mark them as an exhibit.

MS. WOOLLEY: Okay.

THE COURT: So it's part of the record so that you can, so the record will be clear what you submitted.

MS. WOOLLEY: Do I need to do it, can I do it tomorrow morning when I can submit a clean copy?

THE COURT: Okay, let's see here. Hold on. Well what you could do is you could use this.

MS. WOOLLEY: Okay.

THE COURT: Let me see here. Probably, let's see

well do you have a copy that doesn't have all the edits to it? In other words, the courtesy copy I have is highlighted, underlined, exclamation point, errors.

MS. WOOLLEY: I didn't do that did I?

THE COURT: Well no more than three exclamation points at one time.

MS. WOOLLEY: I don't think I gave you anything with exclamation points on it. No, Your Honor, I don't have a copy that I've highlighted. I should have anticipated this in advance. But with the Court's permission --

THE COURT: Well, I mean well if no one objects I can just give them the copy that was provided to me.

MS. WOOLLEY: Yes.

MS. MCNEELEY: That's fine.

MS. WOOLLEY: That's fine.

THE COURT: Okay. So why don't we mark this as an exhibit because that way the record will show the attachments that were submitted.

(The document referred to was marked as Defendant's Exhibit No. 1 for identification.)

MS. MCNEELEY: Does Your Honor want us to submit voir dire tomorrow? I don't know we're set to start trial on Monday. Do you want voir dire and for post jury instructions?

THE COURT: Okay, so that would be a good idea.

Let's see.

MS. MCNEELEY: Assuming we're the only trial on your calendar.

THE COURT: Yes. So that would be a good idea. If you can exchange it. And then you could either deliver it or e-mail it. Either way is fine.

MS. MCNEELEY: Okay, let's do your law clerk's e-mail

MS. WOOLLEY: Are we starting at 9:30 Your Honor or 9:00?

THE COURT: We can do either. Do you have a preference?

MS. WOOLLEY: 9:00 but --

THE COURT: Okay.

THE CLERK: The jurors won't be ready.

THE COURT: What's that?

THE CLERK: The jurors won't be ready.

MS. MCNEELEY: Yes, I had this problem last week and the jurors aren't ready.

THE COURT: That's true.

THE CLERK: They have orientation.

THE COURT: I think the orientation doesn't end until like almost like 9:25 or something like that.

MS. WOOLLEY: Okay.

THE COURT: Okay, so if you all can exchange then when we get here on Monday then we'll deal with that.

MS. WOOLLEY: Okay.

THE COURT: Okay, anything else?

MS. MCNEELEY: Nothing else from the State.

THE COURT: Okay.

MS. WOOLLEY: Thank you, Your Honor.

THE COURT: Alright, take care.

MS. MCNEELEY: Have a good weekend.

MR. ANDREWS: Thank you, Your Honor.

(The proceedings were concluded.)

√ Digitally signed by Carol R. Low

DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the duplicated electronic sound recording of the proceedings in the Circuit Court for Montgomery County in the matter of:

Criminal No. 120820

STATE OF MARYLAND

v.

BRANDON JACKSON-GREEN

By:

Carol R. Low
Transcriber