

**FILED**

**AUG 16 2011**

*Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
)  
)  
)  
In Re Certificate of the Circuit Court )  
Of Prince George’s County Maryland )

Case: 1:11-mc-00458  
Assigned To : Walton, Reggie B.  
Assign. Date : 8/16/2011  
Description: Miscellaneous

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY’S  
NOTICE OF REMOVAL**

The Court Services and Offender Supervision Agency (CSOSA), as an agency of the United States, respectfully files this Notice of Removal pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446. In support of this Notice, the following facts are relied upon:

1. CSOSA received an Order to Show Cause captioned IN RE: Certificate of the Circuit Court Of Prince George’s County, Maryland, 2011 CNC 1064, from the Special Proceeding Section of the Criminal Court of the Superior Court of the District of Columbia. A copy of the Order to Show Cause issued by the Superior Court of the District of Columbia as well as related filings from the Circuit Court for the Prince George’s County Maryland are attached hereto as Exhibit A.

2. CSOSA is an agency of the United States. Thus, the Order to show cause is properly removed to this Court pursuant to 28 U.S.C. § 1442(a)(1).

3. CSOSA will file a response to the Order to Show Cause promptly.

WHEREFORE, the subpoena enforcement action is properly removed from the Superior

**RECEIVED**

**AUG 16 2011**

*Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia*

\

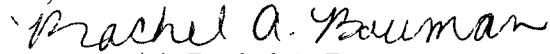
Court of the District of Columbia to this Court.

Dated: August 16, 2011

Respectfully submitted,

RONALD C. MACHEN JR. DC Bar #447889  
United States Attorney

RUDOLPH CONTRERAS, DC Bar #434122  
Chief, Civil Division

  
\_\_\_\_\_  
/s/ Rachel A. Bouman

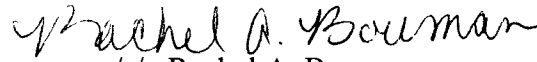
RACHEL A. BOUMAN  
Special Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
[rachel.bouman@usdoj.gov](mailto:rachel.bouman@usdoj.gov)  
(202) 307-0372

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of August 2011, a copy of the foregoing

Notice of Removal was mailed, postage prepaid, to:

Andrew V. Jezic, Esq.  
Jezic, Krum & Moyse, LLC  
2730 University Blvd. West  
Suite 910  
Wheaton, MD 20902

  
/s/ Rachel A. Bouman

\_\_\_\_\_  
RACHEL A. BOUMAN  
Special Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
[rachel.bouman@usdoj.gov](mailto:rachel.bouman@usdoj.gov)  
(202) 353-0022

# **EXHIBIT A**

FILED AND INDEXED  
AUG 11 2011  
CLERK OF  
JUDGE-IN-CHAMBERS

11 CNC 1064

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

SPECIAL PROCEEDING SECTION

IN RE: Certificate of the Circuit Court  
Of Prince George's County, Maryland for the  
Attendance of  
Rorie Smith,  
Court Services and Offender Supervision Agency  
Of the District of Columbia  
633 Indiana Avenue, NW  
Washington, DC 20004

ORDER TO SHOW CAUSE

Upon consideration of the Certificate of a Judge of the Circuit Court for Prince  
George's County, Maryland, it is this 11th day of August, 2011.

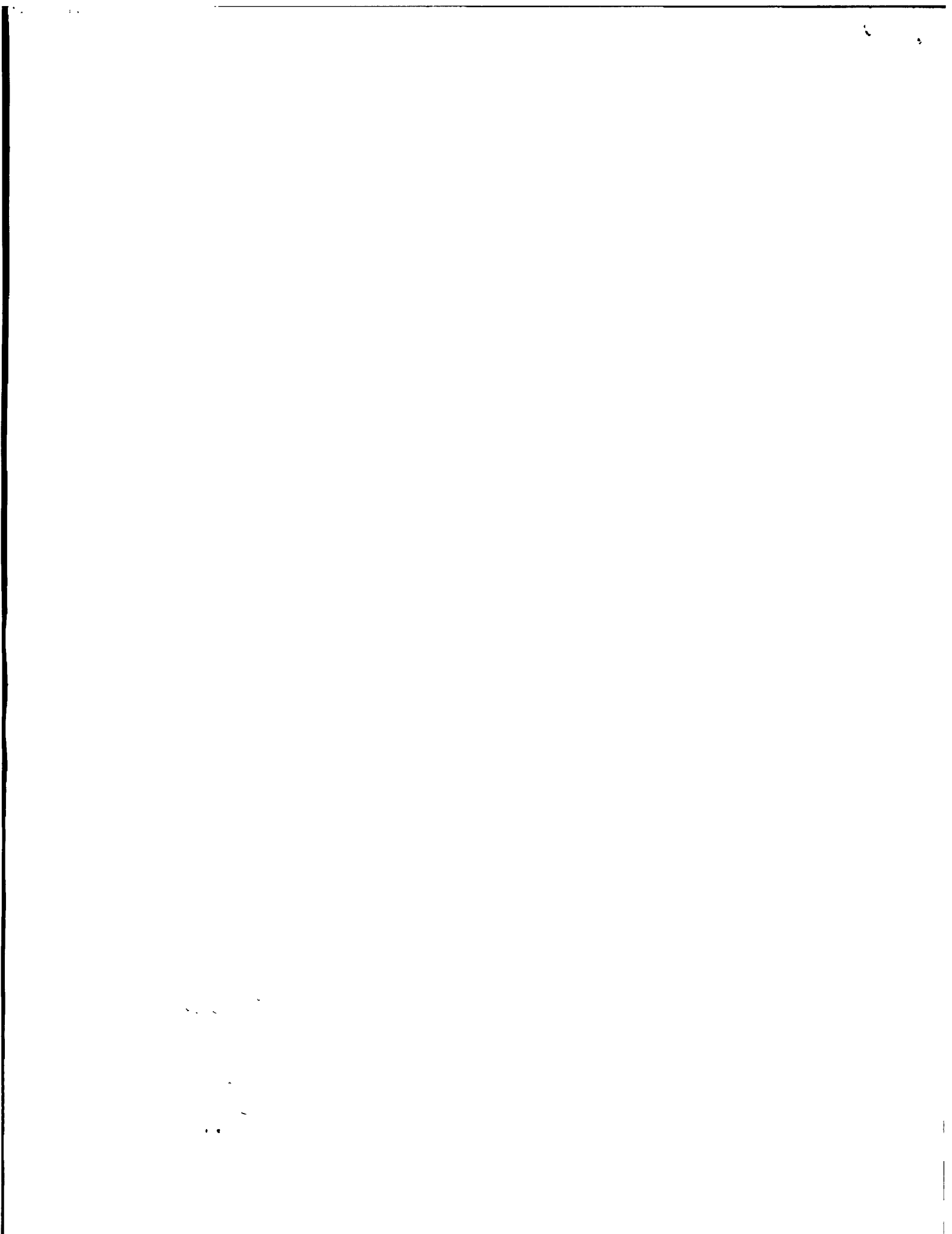
ORDERED, that Rorie Smith of Court Services and Offender Supervision  
Agency of the District of Columbia, appear in the Superior Court of the District of  
Columbia, 500 Indiana Avenue, NW, Washington, D.C. 20001, on Aug. 15, 2011,  
in Courtroom C10, at 11am .m., to show cause, if any be had, why he should not  
be summoned by this court to testify and produce any and all probation records for  
James McLaurin (D.O B.. 8/29/1974), in the State of Maryland in the case of State of  
Maryland v Jerrod Peterson, (Prince George's County Case No. CT090712B), as a  
material witness pursuant to provision to Title 23, Section 1502, District of Columbia  
Code, relating to Out-Of-State Witnesses

R A Levine  
Judge  
Superior Court of the  
District of Columbia

TEST: 8-11-11  
Clerk, Superior Court of the  
District of Columbia

11 CNC 1064  
OFF. CHARGE

[Signature]  
Deputy Clerk



**AUTHENTICATION OF RECORD**

SENIOR CLERK OF  
THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

**OFFICE OF THE CLERK, CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MD**

2011 AUG 11 A 11:38

11CNC1064

**FILED**

I, Marilyn M. Bland, Clerk of said Court, do hereby certify that the writings annexed to this certificate are true copies of the originals on file and on record in said office, and that said originals together, constitute the record of the proceedings of said Court in this case.

WITNESS, my hand and the seal of said Court this 10th day of August, 20 11.

*Marilyn M. Bland*

Marilynn M. Bland, Clerk of the Circuit Court

.....

I, Sheila R. Tillerson Adams, Administrative Judge of said Court, do certify the foregoing attestation by Marilyn M. Bland, Clerk of the said Court, to be in due form, and by proper officer:

WITNESS, my hand and the seal of said Court this 10th day of August, 20 11.



*Sheila R. Tillerson Adams*  
Sheila R. Tillerson Adams, Administrative Judge

.....

I, Marilyn M. Bland, Clerk of said Court, do hereby certify that the Honorable Sheila R. Tillerson Adams, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing and attesting of same, Administrative Judge of said Court, duly commissioned and qualified.

WITNESS, my hand and the seal of said Court this 10th day of August, 20 11.

*Marilyn M. Bland*  
Marilynn M. Bland, Clerk of the Circuit Court

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

STATE OF MARYLAND

v.

JERROD M. PETERSON,

Defendant

Case No.: CT-090712B

11 CNC 1064

**MOTION FOR CERTIFICATION THAT  
OUT OF STATE WITNESS IS NEEDED IN THIS STATE**

Comes now Defendant, Jerrod M. Peterson, by and through counsel, Andrew V. Jezic, requests that this court issue a certificate under the seal of the court requiring the appearance of material witness Deputy George Bergan, and the production of documents and/or records within his custody and control pursuant to Cts. & Jud. Proc. § 9-303, and in support thereof states the following:

1. The Defendant is charged with First Degree Murder and related charges.
2. Trial is scheduled to begin on August 15, 2011 and is expected to last five to six days.
3. Rorie Smith, General Counsel of the Court Services and Offender Supervision Agency of the District of Columbia is a material witness in this case.
4. Rorie Smith is the custodian of the probation records and file of James McLaurin, a probationer in the District of Columbia.
5. James McLaurin is a material witness for the State in this case.
6. The probation file and records of James McLaurin are material evidence in this case, as they may contain exculpatory statements involving misrepresentations and background information relevant to the credibility of the witness's testimony regarding his involvement in

DE



this case. These items may also contain statements which are contradictory to the statements and/or information already provided in this case.


7. Any such material is potentially exculpatory.

8. Counsel has attempted to obtain these items without the necessity of an out-of-state subpoena, but the Court Services and Offender Supervision Agency of the District of Columbia insisted that an out-of-state subpoena is the only proper method to obtain these items.

9. Counsel anticipates that presence of this witness would be needed for one day only. If the items are provided to counsel timely, then counsel will likely excuse the witness.

WHEREFORE, the Defendant respectfully requests that this Honorable Court issue a certificate under the seal of the court to the Superior Court of the District of Columbia that Rorie Smith of the Court Services and Offender Supervision Agency of the District of Columbia is a material witness whose presence, and production of any and all probation records, reports, and or notes in the possession of his office pertaining to, and/or made by James McLaurin (D.O.B.: 08/29/1974), or proof of their nonexistence is required for this prosecution pending in this State; or, in the alternative, that production of certified copies of said probation records may be provided to defense counsel in this case.

Respectfully submitted,



---


Andrew V. Jezic, Esq.  
Jezic, Krum & Moyse, LLC  
2730 University Blvd. West  
Suite 910  
Wheaton, MD 20902  
(301) 292-7200  
(301) 292-7225 (fax)

POINTS AND AUTHORITIES

Art. 9§301 et seq., Courts and Judicial Proceedings, Annotated Code of Maryland

CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of July 2011 a copy of this Motion was hand-delivered to the State's Attorney's Office, 14735 Main Street, Upper Marlboro, MD 20772.

  
\_\_\_\_\_  
Andrew V. Jezic, Esq.

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

STATE OF MARYLAND

v.

JERROD M. PETERSON,

Defendant

Case No.: CT-090712B

ORDER

After consideration of the Defendant's Motion for Certification that Out-of-State Witness is Needed in this State, filed in the Circuit Court for Prince George's County, Maryland, it is on this 8<sup>th</sup> day of August, 2011, hereby

ORDERED that the motion is hereby granted; and it is further

ORDERED that the Clerk of this Court shall issue forthwith a certificate under seal of this Court certifying to the Superior Court for the District of Columbia, that Rorie Smith of the Court Services and Offender Supervision Agency of the District of Columbia is a material witness whose presence, and production of any and all probation records, reports, and or notes in the possession of her office pertaining to, and/or made by James McLaurin (D.O.B.: 08/29/1974), or proof of their nonexistence is required for this prosecution pending in this State; is required for one day on or about August 18, 2011 at 9:30 a.m., and further requesting that the said Court issue an appropriate order commanding the summoning of said witness to that Court to show cause, if any he has, why he should not be ordered to attend the trial of this case, after which said witness be ordered to appear as requested by said certification.

  
\_\_\_\_\_  
Judge, Circuit Court for Prince George's County

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**STATE OF MARYLAND**

**v.**

**JERROD M. PETERSON,**

**Defendant**

:  
:  
:  
:  
:  
:  
:  
:

**Case No.: CT-090712B**

**CERTIFICATE TO SECURE THE  
ATTENDANCE OF AN OUT-OF-STATE WITNESS**

This is to certify to the Superior Court of the District of Columbia, that:

1. The Defendant in the above-captioned case is charged with first degree murder, and related charges. The trial is scheduled to begin on April 18, 2011 and is expected to last seven days.
2. Rorie Smith and requested materials within his custody are material for the trial of this case.
3. The witness works in the legal department of the Court Services and Offender Supervision Agency of the District of Columbia at 633 Indiana Avenue, NW, Washington, DC 20004.
4. The witness will need to be present to testify for no more than one day around August 18, 2011 at 9:30 a.m.
5. Defense counsel in the above captioned case will be responsible for all reasonable expenses that the witness or the District of Columbia incurs.
6. The laws of Maryland, and all states through which the witness may be required to pass, will give to him protection from arrest and the service of civil and criminal process.

7. By order of the Honorable \_\_\_\_\_, Judge of the Seventh Judicial Circuit of Maryland, the Superior Court for the District of Columbia, is requested, pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, to issue an appropriate order commanding the summoning of the said witness to that Court to show cause, if any he has, why he should not be ordered to attend the trial and produce certified copies of all probation records, reports, and or notes in the possession of his office pertaining to, and/or made by James McLaurin (D.O.B.: 08/29/1974) of the above-captioned case on or about August 18, 2011 at 9:30am..

WITNESS: the Honorable Beverly Strobel, Judge of the Seventh Judicial Circuit of Maryland, this 8<sup>th</sup> day of August 2011.

Beverly Strobel  
Judge, Circuit Court for Prince George's County

Office of  
**Marilynn M. Bland**  
Clerk of the Circuit Court for Prince George's County

**CASE NUMBER: CT 09 0712B**

**STATE OF MARYLAND  
PRINCE GEORGE'S COUNTY TO WIT:**

**I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE  
DOCKET ENTRIES IN THE ABOVE ENTITLED CASE IN THE CIRCUIT  
COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND.**

**IN TESTIMONY WHEREOF, I  
HERETO SET MY HAND AND  
AFFIX THE SEAL OF THE  
CIRCUIT COURT FOR PRINCE  
GEORGE'S COUNTY, MARYLAND,  
THIS<sup>10th</sup> DAY OF August, 2011**

*Marilynn M. Bland 283*  
Marilynn M. Bland, Clerk

11 CMC 1064

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION  
SPECIAL PROCEEDING SECTION

IN RE: Certificate of the Circuit Court  
Of Prince George's County, Maryland for the  
Attendance of  
Rorie Smith,  
Court Services and Offender Supervision Agency  
Of the District of Columbia  
633 Indiana Avenue, NW  
Washington, DC 20004

**ORDER TO APPEAR AND PRODUCE DOCUMENTS**

Upon consideration of the Certificate of a Judge of the Circuit Court of Prince George's County, Maryland, in the case of State of Maryland v. Jerrod Peterson, (Prince George's County Case No. CT090712B), wherein a hearing was held this day as to why he should not be summoned to appear as a material witness and produce any and all probation records for James McLaurin (D.O.B.: 8/29/1974), in the above-named court, it is this \_\_\_\_ day of \_\_\_\_\_, 2011, hereby

ORDERED, that said Rorie Smith, be and hereby is ordered to appear before the Circuit Court of Prince George's County, Maryland, on the morning of August 18, 2011, at 9:00 a.m. as a witness for the Defense and produce any and all probation records for James McLaurin (D.O.B.: 8/29/1974), under the Provision of Title 23 Section 1502, of the District Court of Columbia Code.

\_\_\_\_\_  
Judge  
Superior Court of the  
District of Columbia

11 CNE 1064

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

SPECIAL PROCEEDING SECTION

IN RE: Certificate of the Circuit Court  
Of Prince George's County, Maryland for the  
Attendance of  
Rorie Smith,  
Court Services and Offender Supervision Agency  
Of the District of Columbia  
633 Indiana Avenue, NW  
Washington, DC 20004

**CONSENT TO ENTRY OF ORDER REQUIRING WITNESS TO APPEAR AND  
PRODUCE DOCUMENTS IN PRINCE GEORGE'S COUNTY, MARYLAND**

I hereby consent to the entry of a Superior Court Order requiring my appearance and production of documents before the Circuit Court for Prince George's County, Maryland, as a material witness in the case of the State of Maryland v. Jerrod Peterson, (Prince George's County Case No. CT090712B), scheduled for trial on the morning of August 18, 2011, at 9:00 a.m., and throughout the duration of the trial.

\_\_\_\_\_  
Rorie Smith,  
Court Services and  
Offender Supervision Agency  
Of the District of Columbia,  
Material Witness

\_\_\_\_\_  
Date