

CIRCUIT COURT FOR CECIL COUNTY
129 East Main Street
Elkton, MD 21921

Case Number: 07-K-11-002083 IN

State of Maryland vs Steven Chase Brigham

NOTICE OF ASSIGNMENT OF TRIAL OR HEARING DATE

FILE COPY

It is the duty of the defense attorney to notify the court if the defendant is incarcerated to ensure that a habeas corpus petition gets filed.

The above captioned case has been set for trial or hearing in the Circuit Court for Cecil County, at Elkton, Maryland. **DEFENDANT MUST APPEAR FOR EACH SCHEDULED EVENT. FAILURE TO APPEAR FOR COURT EVENTS WILL RESULT IN THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST.**

| Date | Time | Court Room Text | Description |
|----------|---------|--------------------|----------------------|
| 05/04/12 | 10:00AM | II | Criminal Motions |
| 05/25/12 | 09:00AM | II | Pre-Trial Conference |
| 06/04/12 | 09:30AM | II | Criminal Jury Trial |
| 06/05/12 | 09:30AM | II | Criminal Jury Trial |
| 06/06/12 | 09:30AM | II | Criminal Jury Trial |
| 06/07/12 | 09:30AM | II | Criminal Jury Trial |
| 06/08/12 | 09:30AM | II | Criminal Jury Trial |
| 06/11/12 | 09:30AM | II | Criminal Jury Trial |
| 06/12/12 | 09:30AM | II | Criminal Jury Trial |
| 06/13/12 | 09:30AM | II | Criminal Jury Trial |
| 06/14/12 | 09:30AM | II | Criminal Jury Trial |
| 06/15/12 | 09:30AM | II | Criminal Jury Trial |

NOTE: PROPER ATTIRE REQUIRED; NO SHORTS OR TANK TOPS!

Please note this assignment on your calendar. If you already have another court assignment for this date, you must immediately notify the assignment clerks listed below:

| | |
|---------------------------|--------------|
| Criminal: | 410-996-5323 |
| Civil Law: | 410-996-1132 |
| Civil Domestic Relations: | 410-996-1064 |

NOTE: COURTROOM SUBJECT TO CHANGE. PLEASE CHECK COURT SCHEDULE POSTED DAILY.

You are requested to notify your clients and witnesses forthwith, and make necessary preparations for trial on the above date. **Note to Defendant: You have been advised of your right to counsel. If you do not have a lawyer we suggest you contact one immediately if you wish one to represent you.**

If there is a possibility of settlement, bona fide negotiations should be entered into promptly, and this office should be advised promptly if the case is to be settled.

The above case can be removed from the assignment only upon a strong showing of good cause, timely made.

Assignment Commissioner

Date Issued: January 23, 2012

CC: State Of Maryland

Steven Chase Brigham 1 Alpha Avenue Suite #20 Voorhees NJ 080431049

C Thomas Brown Esq 205 East Main Street Elkton MD 21921

Lexington National Insurance Cor P.O. Box 6098 Lutherville Timonium MD 21094

Ron Hatfield BND 115 Landing Lane Elkton MD 21921

STATE OF MARYLAND

v.

STEVEN C. BRIGHAM

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* CECIL COUNTY
* MARYLAND
* Case No: 07-K-11-2083

2012 JAN 20 P 3:22
CECIL COUNTY, MD.
PERFECTED BY LOWE
CLERK

* * * * *

DEMAND FOR BILL OF PARTICULARS

Steven C. Brigham, Defendant, by undersigned counsel, demands pursuant to Maryland Rule 4-241 that the State file a Bill of Particulars and states:

1. That Dr. Brigham has been charged pursuant to an 11 Count Indictment alleging First Degree Murder, Second Degree Murder and Conspiracy to Commit Murder in the First Degree.
2. That the State is prosecuting Dr. Brigham under Md. Crim. Code Ann. §2-103, Murder or manslaughter of a viable fetus which references and incorporates definitions in §20-209 of the Health-General Article.
3. That this is a case of first impression in Maryland whereby the State is attempting to utilize this statute to prosecute a physician for murder for performing abortion procedures.
4. That the State has utilized a "short form" Indictment which contains little information except for the charges and the dates of 5 alleged events.

WHEREFORE, Dr. Brigham demands that the State's Attorney furnish him in detail the following information with regard to each of the Counts:

A. Identify with specificity the manner in which each alleged murder allegedly occurred.

B. Identify with specificity the exact location where the State contends the actual death of each of the alleged victims occurred.

C. State with specificity the facts the State relies upon to show that Dr. Brigham did not administer lawful medical care while performing any alleged abortions.

D. State with specificity the facts the State relies upon to show that in reference to viability that Dr. Brigham did not use his best medical judgment based upon the particular facts of each case in determining the reasonable likelihood of the fetus's sustained survival outside the womb.

E. That in reference to Count 11, Conspiracy to Commit First Degree Murder, state with specificity the agreement the State alleges Dr. Brigham entered into with his alleged co-conspirator, where the agreement was entered into as well as any and all acts that were done in furtherance of this alleged conspiracy.

F. State with specificity the facts the State relies upon to show that the prosecution of Dr. Brigham under these statutes does not infringe on a woman's right to terminate a pregnancy as stated in §20-209 of the Health-General Article.



C. Thomas Brown
205 East Main Street
Elkton, Maryland 21921
Phone: (410) 398-3850
Fax: (410) 398-0666
Email: tbrown@ctom.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January, 2012, a copy of the foregoing Demand for Bill of Particulars was hand delivered to the Office of the State's Attorney for Cecil County, Courthouse, 129 East Main Street, Elkton, MD 21921.

A handwritten signature in black ink, appearing to read "C. Thomas Brown", written over a horizontal line.


C. Thomas Brown

IN THE CIRCUIT COURT FOR CECIL COUNTY



ADMINISTRATIVE ASSIGNMENT ORDER

It is hereby ORDERED, this 11 day of January, 2012, by the Circuit Court for Cecil County, that Judge J. Frederick Price is hereby assigned to hear all criminal matters in this Court involving 07-K-11-002083, Steven C. Brigham.



V. Michael Whelan
Administrative Judge

cc: Honorable Thomas G. Ross
Honorable John F. Price
Honorable Keith A. Baynes
Honorable Jane Cairns Murray
Derrick W. Lowe, Clerk of Court
Charlene Notarcola, Chief Deputy Clerk of Court
Angela Kuhn, Court Administrator
Sue Dacey, Assignment Commissioner

Copy to def /SAO/ Brown 1/12/12 AUB

STATE OF MARYLAND

* IN THE

* CIRCUIT COURT

v.

* FOR

STEVEN C. BRIGHAM

* CECIL COUNTY

Defendant

* MARYLAND

* Case No: 07-K-11-2083

* * * * *

ENTRY OF APPEARANCE

AND

MARYLAND RULE 4-252 PRETRIAL MOTIONS

CECIL COUNTY, MD.
PER DERRICK W. LOWE
CLERK

2012 JAN 10 A 11:41

Dear Clerk:

Please enter my appearance on behalf of the Defendant in the above-captioned matter. Defendant requests a trial by jury.

MARYLAND RULE 4-252 MOTIONS

I. MOTION TO SUPPRESS STATEMENTS, ADMISSIONS AND CONFESSIONS, AND REQUEST FOR HEARING

Defendant, by undersigned counsel, pursuant to Maryland Rule 4-252(a)(4) moves to suppress any and all statements, admissions and confessions allegedly given by the Defendant, whether oral, written or otherwise recorded, which the government proposes to use as evidence.

In support of this motion, the Defendant states the following:

1. Upon information and belief, a police officer or other agent of the State interrogated the Defendant.

2. Any statements, admissions or confessions were obtained in violation of the Defendant's privilege against self-incrimination and right to counsel, as guaranteed by the Fifth and Sixth Amendments to the United States Constitution.

3. Any statements, admissions or confessions were obtained in violation of the rights secured the Defendant by the Supreme Court's holding in Miranda v. Arizona, 384 U.S. 436 (1965).

4. Any statements, admissions or confessions made by the Defendant at the time were involuntary.

5. Any statements, admissions or confessions made by the Defendant were due to coercion.

6. Any statements, admissions or confessions made by the Defendant were as a result of entrapment by the State Agent.

II. MOTION TO SUPPRESS EVIDENCE

Defendant, by undersigned counsel, moves pursuant to Maryland Rule 4-252(a)(3) to suppress all tangible and derivative evidence allegedly obtained by the police or any other state agent. As grounds for this Motion, the following is asserted:

1. Any searches and seizures conducted in this case were in violation of Defendant's rights as protected by the Fourth Amendment to the United States Constitution and Article 26 of the Maryland Declaration of Rights.

2. The police officers did not have sufficient probable cause to arrest Defendant.

III. MOTION TO SUPPRESS EVIDENCE OBTAINED BY SEARCH AND SEIZURE

Defendant, by undersigned counsel, moves to quash any search warrants issued relating to this case in any way and to suppress as evidence the articles taken by means of such search and seizure and any other evidence gained by means of such search.

1. There was no probable cause for issuing the warrant because the affidavit upon which the warrant was issued contained unreliable hearsay and was otherwise lacking in credibility.

2. There was no probable cause for issuing the warrant because the affidavit upon which the warrant was issued contained information that was stale and otherwise unreliable.

3. For such other and further reasons as may be assigned at the hearing on this motion.

IV. MOTION TO SUPPRESS PHOTOGRAPHIC IDENTIFICATION AND IN-COURT IDENTIFICATION

Defendant, by undersigned counsel, moves pursuant to Maryland Rule 4-252(a)(3) to suppress all evidence of and testimony relating to alleged pretrial photographic identifications of him by State witnesses, and any attempted in-court identification of her by those witnesses with respect to the crimes alleged in the pending charges. In support of his Motion, the Defendant

states the following reasons:

1. Upon information and belief, State witnesses may have been shown photographic arrays. Defense counsel has reason to believe that these arrays contained a picture of the Defendant. One or more witnesses may have identified the Defendant.

2. The photograph exhibited to the State witnesses and the techniques used by law enforcement personnel in exhibiting the photographs denied the Defendant due process of law in violation of the United States Constitution and the Maryland Declaration of Rights.

3. The pretrial showing of the photographs was so "impermissible suggestive as to give rise to a very substantial likelihood of irreparable misidentification." See Simmons v. U.S., 390 U.S. 377 (1968); U.S. v. Marson, 408 F.2d 644 (4th Cir. 1968).

4. Any attempted in-court identification should be suppressed as unreliable and tainted by the pretrial identifications.

V. MOTION FOR SEPARATE TRIAL OF DEFENDANTS

Defendant, by undersigned counsel, moves pursuant to Maryland Rule 4-252(5) for a separate trial of defendants and respectfully represents:

1. That the evidence against each defendant is not mutually admissible.

2. This Defendant will be significantly prejudiced by evidence admissible against a co-defendant but not admissible against him.

3. That otherwise inadmissible evidence tends to contradict the Defendant's theory of the case.

VI. MOTION FOR SEPARATE TRIAL OF OFFENSES

Defendant, by his undersigned counsel, moves pursuant to Maryland Rule 4-252(a)(5) for a separate trial of offenses and respectfully represents:

APPLICABLE LAW

McKnight v. State, 280 Md. 604, 375 A.2d 551 (1977), is the seminal case on severance/joiner. In McKnight, the Court of Appeals held that a defendant charged with similar but unrelated offenses is entitled to a severance where he establishes that the evidence as to each individual offense would not be mutually admissible at separate trials. It is also the case that first dramatically narrowed the range of discretion truly available to the trial judge by holding that, in a jury case, at least, whenever evidence on separate charges would not be mutually admissible, severance, timely requested, is absolutely mandated as a matter of law. 280 Md. at 612, 375 A.2d 551. See also Wieland v. State, 101 Md. App. 1, 643 A.2d 436 (1994).

ARGUMENT

1. That the evidence that will be presented regarding the various charges is not mutually admissible.
2. That the incidents, although similar in nature, are totally unrelated.
3. That none of the facts that would be admissible regarding each specific incident would not be mutually admissible at separate trials.

4. That for the reasons set forth herein, severance of these offenses is mandated as a matter of law.

WHEREFORE, for the above reasons and for any other reasons which may be presented at a hearing or appear to the Court, the Defendant moves:

A. That all statements, admissions or confessions, which the State proposes to use as evidence, whether oral, written or otherwise recorded, be suppressed.

B. That all-tangible and derivative evidence which the State proposes to use as evidence be suppressed.

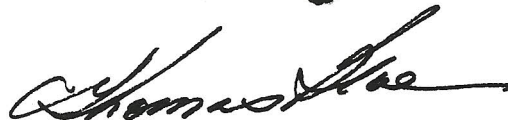
C. That this Court quash the search warrant and suppress any and all evidence obtained by means of such search warrant.

D. That this Court suppress all evidence of and testimony relating to the alleged pretrial photographic identifications of the Defendant by State witnesses, and any attempted in-court identification of the Defendant by those same witnesses.

E. That the Court order a separate trial of the Defendants.

F. That the Court order a separate trial of each of the offenses.

2012 JAN 10 A 11:42
CECIL COUNTY, MD.
PER DERRICK W. LOWE
CLERK

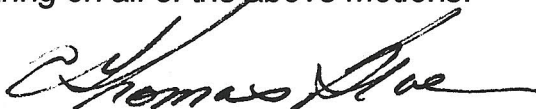


C. Thomas Brown
205 East Main Street
Elkton, MD 21921
Phone: (410) 398-3850
Fax: (410) 398-0666
Email: tbrown@ctom.com

Attorney for Defendant

REQUEST FOR HEARING

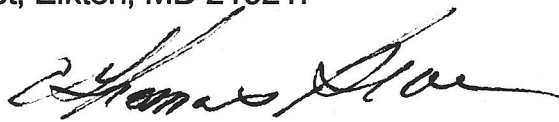
Defendant requests a hearing on all of the above Motions.



C. Thomas Brown

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January, 2012, a copy of the foregoing Entry of Appearance and Maryland Rule 4-252 Pretrial Motions was hand delivered to the Office of the State's Attorney for Cecil County, Courthouse, 129 East Main Street, Elkton, MD 21921.



C. Thomas Brown

STATE OF MARYLAND

* IN THE CIRCUIT COURT

VS

* FOR CECIL COUNTY

Steven Chase Brigham

* Case # 07-K-11-2083

CERTIFICATION OF COMPLIANCE

CECIL COUNTY, MD.
PER DERRICK W. LOWE
CLERK

2012 JAN -9 A 11:13

I HEREBY CERTIFY THAT:

XXX The notification request form described in CP 11-104 (c) was mailed or otherwise delivered to the victim stated below:

Brewer Fetus C/o of Diamond Brewer

:

Valda Rotolo

Valda Rotolo
Victim/Witness Coordinator



2012-FF-000312

POWER OF ATTORNEY

LEXINGTON NATIONAL INSURANCE CORPORATION

Power No. 2012-FF- 000312

P.O. Box 6098, Lutherville, Maryland 21094 • 410-625-0800

THIS POWER OF ATTORNEY NULL AND VOID UNLESS USED BEFORE 1/1/13

Only the Original Power of Attorney will bind this surety.

KNOW ALL MEN BY THESE PRESENTS, that LEXINGTON NATIONAL INSURANCE CORPORATION, a corporation duly organized and existing under the laws of the State of Maryland hereby constitutes and appoints, subject to any General Qualifying Power of Attorney or other legal prerequisite, as its true and lawful attorney-in-fact the person signing below as Attorney-in-Fact, with full power and authority to sign the Company's name and affix its corporate seal to, and deliver on its behalf as surety, any and all obligations as herein provided; and the execution of such obligations in pursuance of these presents shall be as binding upon the Company as fully and to all intents and purposes as if done by the regularly elected officers of the Company at its home office in their own proper person; and the Company hereby ratifies and confirms all and whatsoever its attorney-in-fact may lawfully do and perform in the premises by virtue of these presents.

THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (250,000.00). THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED, VOID IF USED TO FURNISH BAIL ON THE SUBJECT BOND IN EXCESS OF THE STATED MAXIMUM AMOUNT OF THIS POWER AND VOID IF USED WITH OTHER POWERS OF THIS COMPANY OR OTHER POWERS OF OTHER COMPANIES TO MAKE BAIL ON THE SUBJECT BOND. EACH POWER OF ATTORNEY CAN ONLY BE USED ONCE AND MAY BE EXECUTED ONLY FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS.

Bond Amount: \$ 193,760.00

NOT VALID FOR IMMIGRATION BONDS

IN WITNESS WHEREOF, LEXINGTON NATIONAL INSURANCE CORPORATION, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary this 9th day of April, 1996.

Defendant: Steven Chase Brigham

First Court Date: Case Number: 07K11002083

Defendant's Address: 1 Alpha Avenue Voorhees N.J. 08043

Court: Circuit County/City: Cecil Elkton

Offense(s): Murder 1st Degree

Date of Execution: 1-6-12 Court Assigned Agent #: 900709

Attorney-in-Fact: Ronald Hatfield

President: B. J. Furr

Secretary: Lisa A. Maticc



1. A separate Power of Attorney must be attached to each bond executed.
2. Powers of Attorney must not be returned to attorney-in-fact, but should remain a permanent part of court records.
3. The authority of such attorney-in-fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to release conditions, travel limitations, payment of fines, restitution, or penalties, or any other conditions imposed by a court not specifically related to court appearance.



DISTRICT COURT OF MARYLAND FOR Cecil County
 Located at 129 East Main St. Case No. 07K11002083
Court Address

STATE OF MARYLAND

vs. Steven C. Brigham 8-29-56
Defendant D.O.B.

AFFIDAVIT OF BAIL BONDSMAN
 (MD § 4-217)(d)(3))

STATE OF MARYLAND: CITY/COUNTY OF Elkton, Cecil

I, the undersigned, respectfully submit that I:

- A. Am duly licensed in the jurisdiction in which the charges are pending, if that jurisdiction licenses bail bondsmen;
- B. Am authorized to engage the Surety Insurers shown on the attached bail bond, as surety on that bail bond, pursuant to a valid general or special power of attorney;
- C. Hold a valid license as an insurance broker or agent in this State and the Surety Insurer is authorized by the Insurance Commissioner of Maryland to write bail bonds in the State.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

January 6, 2012
Date

[Signature] 900709
Signature of Bail Bondsman I.D. No.

BACK ON YOUR BLOCK BAIL BONDS

Address

115 LANDING LANE

ELKTON, MARYLAND 21921

Power #: 2012-FF-000312

Fee: \$ 19,376.00 \$9,000.00 owed

Collateral: Promissory Note

Indemnitor: Krishni DeThabrew

Address: 100 Springdale Rd. A3-101
Cherry Hill N.J. 08003