

STATE OF MARYLAND

v.

NICOLA RILEY

* IN THE
* CIRCUIT COURT FOR
* CECIL COUNTY
* Case No. 07-K-11-002084

* * * * * oo0oo * * * * *

2012 JAN 27 P 12:29
CECIL COUNTY, MD
PER DERRICK W. LORNE
CLERK

MOTION TO INSPECT AND EXAMINE SPECIMENS

Nicola Riley, Defendant, by and through her undersigned attorneys, moves the Court for an Order requiring the Office of the State Medical Examiner to permit an expert retained by the defense counsel to inspect any specimen or specimens identified as Male Fetus Brewer 10-6158, and in support thereof states:

1. On December 28, 2011, Defendant, a licensed physician, was indicted by a Grand Jury of Cecil County and charged with murder of "Male Fetus Brewer 10-6158."
2. The indictment further alleges that the victim in the indictment was a "viable fetus."
3. Upon information and belief, the indictment in this matter is based on an investigation by law enforcement that included the seizure by law enforcement of a specimen or specimens of a fetus or parts of a fetus.
4. Upon information and belief, the Office of the Medical Examiner for the State of Maryland received from law enforcement a specimen or specimens that included a fetus or parts of a fetus of "Male Fetus Brewer 10-6158" and that office maintains medical and laboratory records of Male Fetus Brewer containing data and other medical records concerning the gestational age of "Male Brewer Fetus" on the date of the alleged offense.

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5. The specimen or specimens that include a fetus or parts of a fetus of Male Fetus Brewer contain evidence relevant to this action and the criminal charges against Dr. Riley and are needed for examination by the defense and its expert prior to any trial in this matter.

WHEREFORE, the Defendant moves this Court for an Order requiring the Office of the State Medical Examiner to permit an expert retained by defense counsel to inspect a specimen or specimens identified as Male Fetus Brewer 10-6158 and any records of that office concerning the specimen or specimens.

Respectfully submitted,



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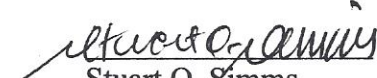
Attorneys for Nicola Riley

REQUEST FOR HEARING

The Defendant requests a hearing on this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ^{1st}7th day of January, 2012 a copy of the foregoing Motion TO Inspect and Examine Specimens was mailed, first class mail, postage prepaid, to Ellis Rollins III, State's Attorney for Cecil County, Courthouse 129 E. Main Street, Elkton, Maryland 21921.


Stuart O. Simms

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ORDER

Upon consideration of the Defendant's Motion to Inspect and Examine Specimens, the answer of the State, if any, and the Court having conducted a hearing and heard argument of counsel, it is hereby

ORDERED this ___ day of _____, 2012 that the Office of the State Medical Examiner permit an expert retained by defense counsel to inspect any specimen or specimens of Male Fetus Brewer 10-6158 on a date and at a time to be agreed upon by the Office of the State Medical Examiner and the defense expert.

Judge
Circuit Court for Cecil County