

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**IN RE:
ORDER DATED
NOVEMBER 25, 2024, AND
SUBPOENAS**

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* **Civil No.:** _____

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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1442(a)(1), the United States of America, on behalf of the Federal Bureau of Investigation (FBI), an agency of the United States, hereby files this Notice of Removal to the United States District Court for the District of Maryland. In support thereof, the United States of America states as follows:

1. The State of Maryland (State) is prosecuting Charles Robert Smith (Mr. Smith) for three counts of murder; six counts of attempted murder and related firearms and lesser-included offenses; and three counts of hate crimes (the State Case). The charges arise from a mass shooting that occurred in Annapolis, Maryland on June 11, 2023. The Annapolis Police Department (APD) requested that the FBI assist with processing the crime scene. The FBI provided such evidence (the FBI #343G-BA-3773068 File) to the APD and to the Anne Arundel County State's Attorney's Office (AAC-SAO).

2. At the time of, and unrelated to, the mass shooting, the FBI and the United States Attorney's Office for the District of Maryland (USAO-MD) were investigating Mr. Mario Ruiz (deceased)—one of the individuals killed in the mass shooting—for potential involvement in drug distribution (the FBI #281C-BA-3708548 File). The FBI's Investigation is ongoing.

3. The FBI is not a party to the State Case.

4. On November 25, 2024, the Circuit Court for Anne Arundel County, Maryland, entered an Order requiring in part that the FBI provide “information regarding the association, participation and/or membership in MS-13 or any criminal organizations known to operate with MS-13 to the extent not previously provided, including but not limited to FBI cases 343G-BA-3773068 and 281C-BA-3708548” for numerous identified individuals and for “others present at the events on June 11, 2023.” *See* Exhibit 1, Order, ¶ 1. The Order further requires the trial testimony in the State Case of FBI “Supervisory Special Agent Autumn Brown, Special Agent Sean O’Rourke and any other agents or special agents involved in the investigation of the association of the decedents and members of the Mireles (victim) family with MS-13 and the hit put out on Charles Robert Smith.” *See id.*, ¶ 2.

5. As of the date of filing of this Notice of Removal, neither the United States nor the FBI has been properly served with a copy of the Order. The United States Attorney’s Office received a copy of the Order by e-mail from the AAC-SAO on November 27, 2024, and by email from the Anne Arundel County Office of the Public Defender (AAC-PD) on November 29, 2024.

6. On December 3, 2024, the AAC-PD emailed the FBI three subpoenas for the testimony of FBI Supervisory Special Agent Autumn Brown, FBI Special Agent Sean O’Rourke and FBI Special Agent Michael A. Lipsner, at trial on February 7, 2025, pursuant to *United States ex. rel. Touhy v. Ragen*, 340 U.S. 462 (1951), or 49 C.F.R. Part 835. *See* Exhibit 2, subpoenas. The AAC-SA advised the undersigned it also intends to serve the FBI with trial subpoenas.

7. Pursuant to 28 U.S.C. § 1442(a)(1), the Order may be removed to this Court because it is a state court order against or directed to an agency and officer of the United States. *See United States v. Williams*, 170 F.3d 431, 432 (4th Cir. 1999) (permitting removal of a state court subpoena and order to show cause from the Circuit Court for Anne Arundel County,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20th day of December 2024, a copy of the foregoing

Notice of Removal was served, via U.S. mail, first class, postage prepaid, and via email, on:

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Denis Andrea O’Connell
Office of the Public Defender
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-and-

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Victim Representative’s Attorney in State Case

/s/
Michael J. Wilson
Assistant United States Attorney