

**MARION PUSHIA**

v.

**STATE OF MARYLAND**

\* **IN THE**  
\* **COURT OF APPEALS**  
\* **OF MARYLAND**  
\* **No. 94**  
\* **September Term, 2016**

\* \* \* \* \*

**ORDER**

Upon the Joint Motion to Remand Case for Further Proceedings Pursuant to Maryland Code, Criminal Procedure Article §8-201, it is this 21st day of December, 2017, by the Court of Appeals of Maryland, ORDERED:

1. The present appeal is remanded to the Circuit Court for Baltimore County.
2. The State of Maryland shall preserve all biological evidence currently in its possession relating to the case of *State of Maryland v. Marion Pushia*, Case No. 03-K-93-4172, including, to the extent available, biological evidence collected by Greater Baltimore Medical Center on October 16, 1993, that was referenced in the report of Rudiger Breitenecker, M.D.
3. The Circuit Court for Baltimore County shall stay proceedings pursuant to Appellant Marion Pushia's petition pursuant to Maryland Code, Criminal Procedure Article §8-201 until Mr. Pushia shall notify the Court in writing that he has funds available for the costs of DNA testing of biological evidence in the possession of the State of Maryland that he seeks to have tested.
4. Upon receipt of Mr. Pushia's notification pursuant to Paragraph 3, above, and verification that Mr. Pushia has sufficient funds available for the costs of the DNA testing he is

seeking, the Circuit Court shall hold a hearing to determine what items shall be tested and, if necessary, the terms and conditions of such testing, and order DNA testing pursuant to Maryland Code, Criminal Procedure Article §8-201(d).

/s/ Clayton Greene, Jr.

**SENIOR JUDGE**