

(II) UNLESS THE STATE AND THE DEFENDANT AGREE, OR THE COURT ORDERS OTHERWISE, THE DEFENDANT SHALL FILE A NOTICE OF DEPOSITION AT LEAST 5 DAYS BEFORE THE DATE OF THE DEPOSITION; AND

(III) EXCEPT WHERE INCONSISTENT WITH THIS PARAGRAPH, THE PROVISIONS OF MARYLAND RULE 4-261 SHALL APPLY TO A DEPOSITION TAKEN UNDER THIS PARAGRAPH.

(D) IN ORDER TO DETERMINE IF A CHILD'S STATEMENT POSSESSES PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS UNDER THIS SECTION, THE COURT MAY CONSIDER ALL RELEVANT CIRCUMSTANCES, INCLUDING, BUT SHALL CONSIDER, BUT IS NOT LIMITED TO, THE FOLLOWING FACTORS:

(1) THE CHILD'S PERSONAL KNOWLEDGE OF THE EVENT;

(2) THE CERTAINTY THAT THE STATEMENT WAS MADE, INCLUDING THE CREDIBILITY OF THE PERSON TESTIFYING ABOUT THE STATEMENT;

(3) ANY APPARENT MOTIVE TO LIE OR FABRICATE OR EXHIBIT PARTIALITY BY THE CHILD, INCLUDING INTEREST, BIAS, CORRUPTION, OR COERCION;

(4) WHETHER THE STATEMENT IS WAS SPONTANEOUS OR DIRECTLY RESPONSIVE TO QUESTIONS;

(5) THE TIMING OF THE DECLARATION STATEMENT;

(6) WHETHER THE CHILD'S YOUNG AGE MAKES IT UNLIKELY THAT THE CHILD FABRICATED A THE STATEMENT THAT REPRESENTS A GRAPHIC, DETAILED ACCOUNT BEYOND THE CHILD'S KNOWLEDGE AND EXPERIENCE AND THE APPROPRIATENESS OF THE TERMINOLOGY TO THE CHILD'S AGE;

(7) THE NATURE AND DURATION OF THE ABUSE;

(8) THE INNER CONSISTENCY AND COHERENCE OF THE STATEMENT;

(9) WHETHER THE CHILD WAS SUFFERING PAIN OR DISTRESS WHEN MAKING THE STATEMENT;

(10) WHETHER EXTRINSIC EVIDENCE EXISTS TO SHOW THE DEFENDANT'S OPPORTUNITY TO COMMIT THE ACT COMPLAINED OF IN THE CHILD'S STATEMENT;

(11) WHETHER THE STATEMENT WAS SUGGESTED BY IS SUGGESTIVE DUE TO THE USE OF LEADING QUESTIONS; AND

(12) WHETHER THE STATEMENT WAS AUDIOTAPED OR VIDEOTAPED, IF TAPING WOULD HAVE BEEN REASONABLY FEASIBLE.