

(II) THE CHILD'S STATEMENT:

~~1. POSSESSES PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS; AND~~

2. IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND

(III) THERE IS CORROBORATIVE EVIDENCE.

(3) IN ORDER TO PROVIDE THE DEFENDANT WITH AN OPPORTUNITY TO PREPARE A RESPONSE TO THE STATEMENT, THE PROSECUTOR SHALL GIVE TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY, AT LEAST 10-DAYS-BEFORE-THE-JUDICIAL-PROCEEDING 20 DAYS BEFORE THE CRIMINAL PROCEEDING IN WHICH THE STATEMENT IS TO BE OFFERED INTO EVIDENCE, NOTICE OF:

(I) THE PROSECUTION'S INTENTION TO INTRODUCE THE STATEMENT; AND

(II) THE CONTENT OF THE STATEMENT.

(4) (I) THE DEFENDANT SHALL HAVE THE RIGHT TO TAKE THE DEPOSITION OF A WITNESS WHO WILL TESTIFY UNDER THIS SECTION;

(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 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;

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

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

(5) THE TIMING OF THE STATEMENT;