

# BALT Informing the Community | Information Sheet for Pretrial Motion Hearings

The Baltimore Action Legal Team (BALT) is committed to building the power of the local Movement for Black Lives. We take our direction from community organizing groups who are on the ground, and we respect the leadership of local activists. BALT is committed to anti-racist practices and to black leadership. BALT is dedicated to politically-conscious lawyering and to using creative, collective solutions to support the Movement for Black Lives in Baltimore. BALT seeks to build the capacity of the local Movement for Black Lives by providing four key services to address the justice system: 1) legal observation teams during community protests, 2) jail support services, 3) the bail fund, and 4) human and civil rights training.

Date of Release: Tuesday, September 1, 2015

## What are the charges against each officer?

| Name                       | Most Serious Charge | Total # of Charges |
|----------------------------|---------------------|--------------------|
| Ofc. Caesar R. Goodson Jr. | 2nd Degree Murder   | 7                  |
| Sgt. Alicia D. White       | Manslaughter        | 4                  |
| Lt. Brian W. Rice          | Manslaughter        | 4                  |
| Ofc. William G. Porter     | Manslaughter        | 4                  |
| Edward M. Nero             | 2nd Degree Assault  | 3                  |
| Garrett E. Miller          | 2nd Degree Assault  | 3                  |

## Who is the judge?

Circuit Court Judge Barry Williams is a former city prosecutor and civil rights litigator. Judge Williams has been an associate judge in Baltimore Circuit Court since 2005. He led the court's criminal division from 2012 until January 2015 and chaired the Criminal Justice Coordinating Council for Baltimore from 2012 until 2014.

## What has happened so far?

- April 30, 2015: Mosby received the results of a police investigation of Gray's death.
- May 1, 2015: Mosby announced the charges against the officers.
- May 8, 2015: Officers file motion to dismiss charges for prosecutorial misconduct and ask Mosby to recuse herself
- May 21, 2015: A Baltimore grand jury indicted the six police officers charged in the arrest of Freddie Gray. *(Case moved from District Court to Circuit Court)*
- May 27, 2015: Officers file motion for removal out of Baltimore.
- June, 26, 2015: Prosecutors filed motion for Goodson, White, Nero and Miller to be tried together.
- July 10, 2015: Nero and Miller filed motion opposing prosecution's intent to try them with Goodson and White.
- August 17, 2015: Judge Williams quashed the subpoenas sought by Catherine Flynn to put Mosby, five other prosecutors, two investigators and an assistant medical examiner on the stand at the hearing scheduled for 9/2.

## What is a pretrial motion?

A pretrial motion is an application to the court made by the prosecutor or defense attorney, requesting that the court make a decision on a certain issue before the trial begins. The motion can affect the trial, courtroom, defendants, evidence, or testimony.

### **What are the possible outcomes of pretrial hearings?**

The judge is not required to make an immediate ruling at a pretrial motions. Judge Williams can: decide on some or part of the motion, postpone the entire hearing, hear the arguments but not release an immediate decision, or hear the arguments but continue the hearing for additional arguments. **In short, it is possible that Judge Williams will not make a decision on all motions at the hearing date.**

### **What will happen on September 2, 2015?**

Both sides (prosecution and defense) have agreed to spend 15 minutes each on the defense pretrial motion to recuse the Baltimore state's attorney's office from the case and the pretrial defense motion to dismiss the case entirely based on "prosecutorial misconduct." The parties will also discuss whether the six officers will be tried separately or together. All of the officers except Goodson have requested that they be tried separately from the others. Mosby's office is seeking to try the officers in two groups, with Goodson, White, Nero and Miller together in one and Porter and Rice in the other. Defendants must be allowed to cross-examine witnesses against them, which cannot happen in a joint trial.

### **What will happen on September 10, 2015?**

The defense filed a pretrial motion to remove the trial from Baltimore. The judge will hear both sides' arguments on this date.

### **Will the officers be at the hearing?**

All of the officers have filed pretrial motions to waive their right to appear. Judge Williams could require them to appear or allow them not to appear. As of today, Judge Williams has not issued an order ruling on the motion.

### **What's Next?**

The officers' trial is scheduled to begin October 13, 2015. However, most agree the trial date may be changed to a later date. The actual date will be based on the results of the pretrial motion hearings.

For more information, please contact BALT at [info@baltimoreactionlegal.org](mailto:info@baltimoreactionlegal.org). This document is intended to provide general information not legal advice.