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STATE OF MARYLAND

\* IN THE

Plaintiff

\* CIRCUIT COURT CRIMINAL DIVISION

v.

\* FOR

CAESAR GOODSON

\* BALTIMORE CITY

Defendant

\* Case No. 115141032

\* \* \* \* \*

**OFFICER GOODSON'S MOTION FOR JUDGMENT OF ACQUITTAL**

Officer Caesar Goodson moves pursuant to Md. Rule 4-324 for judgment of acquittal on each of the seven charges against him. The State has failed to present legally sufficient evidence or inferences drawable therefrom on which a reasonable trier of fact could find Officer Goodson guilty of the crimes alleged beyond a reasonable doubt.

*First*, as to Count I (Second Degree Depraved Heart Murder), the State has presented no evidence from which a reasonable trier of fact could conclude that Officer Goodson caused the death of Mr. Gray, that Officer Goodson's conduct created a very high risk to Mr. Gray's life, that Officer Goodson was conscious of that risk, or that Officer Goodson acted with extreme disregard for the life endangering consequences.

No evidence has been presented to show that the purported "rough ride" occurred. The CCTV video of the intersection of Riggs Avenue and Freemont Avenue, that the State says shows the "rough ride," only confirms that there is no evidence of any abrupt stops, starts, or turns that the State's experts testified were necessary to have caused Mr. Gray's injury. The "rough ride" is pure speculation.

The State has also failed to produce evidence that fastening a lap seat belt on Mr. Gray would have prevented his injury. The only information entered into evidence shows that

seatbelts can prevent injury in an automobile collision, which did not occur in this case. The State has not proven that a lap seat belt, even if it remained fastened, could have precluded Mr. Gray's injuries. And, the State has presented no evidence that Mr. Gray, even while handcuffed and leg shackled, could not have unfastened the seatbelt and stood up inside the van. Therefore, there is no evidence that Officer Goodson showed any consciousness of risk, nor that he disregarded any risk, in not using a seatbelt on Mr. Gray.

Furthermore, the State has failed to present evidence that is sufficient to allow a reasonable fact finder to conclude beyond a reasonable doubt when Mr. Gray was injured, or that once Mr. Gray's injury occurred, any actions by Officer Goodson to transport Mr. Gray to a hospital or to call a medic would have prevented Mr. Gray's death. The evidence the State has presented could not convince a reasonable fact finder that Officer Goodson was conscious that Mr. Gray had been injured, or that Officer Goodson, in not calling a medic or transporting Mr. Gray directly to a hospital, acted with extreme disregard for possible life-threatening consequences.

In sum, there is no evidence that Officer Goodson at any time was conscious of any high degree of risk to Mr. Gray's life, much less that he acted with a depraved heart.

**Second**, as to Count II (Involuntary Manslaughter), the State has presented no evidence from which a reasonable trier of fact could find that Officer Goodson feloniously acted in a grossly negligent manner or that any such conduct caused the death of Mr. Gray. The State did not produce any evidence, on video or otherwise, that Officer Goodson drove the wagon in a grossly negligent manner. The State has not shown beyond a reasonable doubt that a reasonable officer in Officer Goodson's position would have seat belted Mr. Gray, or that a seat belt fastened on Mr. Gray's lap, at any of the Stops on the route traveled by the wagon, would have

