

STATE OF MARYLAND

2015 NOV \* - 9 P 2: 32

IN THE  
CIRCUIT COURT FOR  
BALTIMORE CITY

v.

WILLIAM PORTER

CASE No. 115141037

\* \* \* \* \*

**STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE TESTIMONY AND EVIDENCE CONCERNING INFORMATION NOT PERSONALLY KNOWN BY DEFENDANT OFFICER PORTER PRIOR TO HIS INTERACTION WITH MR. FREDDIE GRAY ON APRIL 12, 2015**

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City; Michael Schatzow, Chief Deputy State's Attorney for Baltimore City; Janice L. Bledsoe, Deputy State's Attorney for Baltimore City; and Matthew Pillion, Assistant State's Attorney for Baltimore City; and responds as follows to the Defendant's Motion In Limine to Preclude Testimony and Evidence Concerning Information Not Personally Known by Defendant Officer Porter Prior to His Interaction with Mr. Freddie Gray on April 12, 2015:

1. The Defendant's Motion in Limine requests the Court to exclude evidence or argument about "information not personally known by Defendant Officer Porter." Def. Mot. at 1. The Defendant's Motion does not make clear what information precisely this phrase would include. On the one hand, the requested relief the Motion sets forth at the end of the pleading is identical to the requested relief set forth in the Defendant's separate Motion in Limine to exclude evidence about the legality of Mr. Gray's arrest. On the other hand, the Motion implies that the Defendant seeks to exclude evidence of *anything* that occurred before "his interaction" with Mr. Gray on April 12, 2015. Def. Mot. at 1. Does this "interaction" refer to direct physical interaction, mere visual interaction, or to

interaction at some specific location, such as Dolphin St. at Druid Hill Ave., as opposed to Mount St. at Presbury St.?

2. To the extent the Defendant's Motion is redundant of his Motion in Limine regarding the legality of Mr. Gray's arrest, the State has separately responded to that Motion and incorporates that Response herein. The State should be permitted to provide evidence of the arrest itself, as well as to give sufficient background and context to the case.

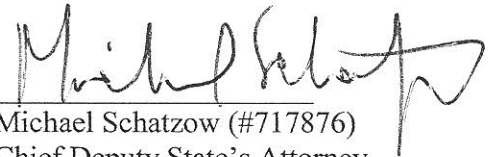
3. To the extent, however, that the Defendant seeks to exclude every fact that chronologically precedes the time at which the Defendant deems himself to have had his first "interaction" with Mr. Gray, the State does not agree with the Motion's proposed limitations. The Defendant stresses the fact that he was not physically "present during portions of Mr. Gray's interaction with police on April 12, 2015," and misleadingly says that, as such, nothing that happened prior to the Defendant's arrival at those unspecified portions bears on the reasonableness of his actions. Def. Mot. at 1. The State will provide evidence, however, that the Defendant *did*, in fact, know the basic details of events starting as early as the chase and arrest of Mr. Gray because the Defendant was listening to the live police radio broadcast of those events. That broadcast is the reason the Defendant came to the arrest scene and later went to Dolphin at Druid Hill. What the Defendant heard prior to his arrival at those locations clearly factors into the analysis of the reasonableness of his actions. Moreover, to the extent that Mr. Gray was injured prior to his and the Defendant's first "interaction" (however defined), evidence about the nature of Mr. Gray's injury most certainly is relevant for considering whether the Defendant reacted reasonably to the outward signs of that injury. Precluding evidence that Mr. Gray was injured before his physical contact with the Defendant would render

meaningless the State's evidence concerning the Defendant's failure to obtain medical assistance, a necessary component of certain offenses with which he is charged. The Defendant's first "interaction" with Mr. Gray does not, therefore, mark the first legally significant moment in this case.

Wherefore, the State consents to the Defendant's Motion in Limine to the extent the Court's order only precludes evidence or argument about the legality of Mr. Gray's arrest (if not controverted by the Defendant), but the State requests that the Motion be denied to the extent the Defendant seeks to preclude evidence of every fact that occurred chronologically prior to the Defendant's first unspecified "interaction" with Mr. Gray.

Respectfully submitted,

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