

STATE OF MARYLAND

Plaintiff

v.

CAESAR GOODSON

Defendant

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No. 115141032

RECEIVED

DEC 15 2015

**Criminal Div.
Circuit Court For
Baltimore City**

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**DEFENDANT'S MOTION *IN LIMINE*
REGARDING JUROR ISSUES**

Defendant Caesar Goodson, through his counsel, respectfully submits this Motion *in Limine* with respect to various juror issues in this case.

Officer Goodson has twice asked this Court for a change of venue, but both motions have been denied.¹ Because of this Court's rulings, the Defendant maintains that additional precautions are necessary during the selection of a jury.

1. First, Defendant requests that this Court inform all members of the jury, both in its preliminary instructions, and during final instructions, that the juror names will never be revealed to the public, nor the media, and that they may remain entirely anonymous should they choose to do so. Md. Rule 4-312(d)(3) already allows that the Court may shield the names of the jurors from "anyone other than the judge, counsel, and the defendant." As such, counsel is not seeking to expand the law, but rather just to make potential jurors aware of what we all already know to be true: there are measures we are taking to ensure that CNN does not turn up at your door.

¹ Concurrently with this Motion, the Defendant has filed a Second Motion for Reconsideration of Denial of Motion for Removal, as well as a proposed jury questionnaire and voir dire.

In the current climate, saying "not guilty," regardless of the evidence or the lack thereof presented by the State, and then returning to daily life will take great courage on the part of the citizenry. This is particularly so as to Officer Goodson, who faces the most serious charges of any of the six officers. Moreover, Officer Porter's trial has gone to the jury as of the filing of this motion. It is possible, indeed probable, that no matter the outcome of Officer Porter's trial, further civil unrest may follow. Whatever the aftermath of the trial of Officer Porter, Officer Goodson faces the strong risk of an "overcorrection" in the minds of potential jurors. Even if a juror truthfully answers questions in voir dire regarding their ability to remain fair, this would not, of course, prevent their later consideration of external factors. Accordingly, the jury should be told that their names will be screened from the outside world.

2. Defendant further requests that this Court sequester all jurors. Md. Rule 4-311 states that "(c) Separation of Jury. The court, either before or after submission of the case to the jury, may permit the jurors to separate or require that they be sequestered." There is, admittedly, a paucity of Maryland law on the issue, but what there is instructs this Court that it has the discretion to do so. *See, e.g., Grandison v. State*, 305 Md. 685, 719 (1986) ("[T]he determination to have the jury sequestered throughout the trial is discretionary.").² Moreover, all of the case law appears to be from an era before live blogs, Time.com, Facebook, Twitter, and wall-to-wall media saturation. While the

² *See also Veney v. Warden*, 259 Md. 437, 442 (1970); *State v. Magwood*, 290 Md. 615, 619-20 (1981); *Hounshell v. State*, 61 Md. App. 364, 379 (1985). It is also significant that in *Grandison*, Mr. Grandison and his codefendant, Mr. Evans, were removed to Somerset County and Dorchester County. 305 Md. at 698 (quoting *Evans v. State*, 304 Md. 487, 494-95 (1985)).

definition of sequester varies from case to case, and jurisdiction to jurisdiction, what counsel suggests is as follows: following the selection of a jury, sheriff's office members take the jurors home, to pack a bag. They are then put in a hotel, at court expense, until trial is completed. All television in the room is controlled, so that the local news, national news, and the like are not made available to jurors. While this Court may order all jurors to avoid news stories in all cases, in the case at bar, that will be virtually impossible. During the period of sequestration counsel requests that jurors have their phones taken from them, and all correspondence/calls/visits with friends and family be monitored by deputies. While this may, of course, make it harder to get a jury, and lead to greater hardship on the part of those chosen, it can be done. The entire city knows the trial date, and everyone has an opinion to offer. Any person selected to this jury will be bombarded with opinions, TV news, Facebook posts and the like.³ This Court's decision to keep the trial in Baltimore necessitates such action.

In *United States v. Shiomos*, 864 F.2d 16 (3rd Cir. 1988) the Defendant was a Senior Judge, charged with extortion. Based on the fact that the case would "generate significant amount of publicity," the Court *sua sponte* sequestered the jurors. *Id.* at 17. "The parties agree that a decision not to sequester the jury is in the sound discretion of the trial judge. *See Holt v. United States*, 218 U.S. 245, 251, 31 S.Ct. 2, 5-6, 54 L.Ed. 1021 (1910)." *Id.* at 18. The Third Circuit's rationale in upholding the sequestration applies equally here:

³ This Court is also aware that at least some community members have encouraged city residents to register for jury selection, and otherwise attempt to insert themselves into the jury that will decide Officer Goodson's fate.

