

STATE OF MARYLAND

2015 JAN 15 A\*10: 50 IN THE

CRIMINAL DIVISION CIRCUIT COURT

v. \* FOR  
CAESAR GOODSON \* BALTIMORE CITY  
\* Ind. #115141032

\* \* \* \* \*

**DEFENDANT'S OBJECTION TO APPELLATE COURT'S ORDER  
AND RESULTANT POSTPONEMENT OF OFFICER GOODSON'S TRIAL**

Defendant, Caesar Goodson, ("Defendant" or "Officer Goodson") through his counsel, files for the record this objection to the Court of Special Appeals' Order directing this Court to stay the above captioned matter and the resultant indefinite postponement of his trial. In support thereof, Officer Goodson avers:

1. On May 22, 2015, Officer Goodson was indicted with seven charges, including second degree murder relating to his operation of the van in which Freddie Gray was transported.
2. On September 2, 2015, this Court granted the motion for severance filed by Defendant Caesar Goodson and the other indicted officers. The Court directed the State to identify the order in which it wished to try the defendants, as well as the anticipated length of each trial. On that same day, the State affirmatively informed this Honorable Court of the State's decision to try Officer Porter first.
3. On September 15, 2015, the State advised the Court in writing that after it tried Porter, the order of defendants would be: Goodson, White, Miller, Nero and Rice. The State represented to the Court that, "Defendant Porter is a necessary and material witness in the cases against Defendants Goodson and White, so it is imperative that Mr. Porter's trial takes place before their trials." Based on the State's litigation strategy (and perhaps the lack of independent evidence),

the State concluded that Officer Porter's testimony was critical to its prosecution of Officer Goodson and Sergeant White. In acceding to the State's request, this Court scheduled the trials of Porter and Goodson in the order that the State had requested. The trials of Officer Porter and Officer Goodson were scheduled for November 30, 2015 and January 6, 2016, respectively.<sup>1</sup>

4. On January 6, 2016, the Court heard and ruled upon pretrial motions filed by both sides and set January 11, 2016, as the date on which Officer Goodson's trial would commence. Accordingly, all of the intended defense witnesses, including medical and other experts, were advised of the pending commencement of trial. In advance of January 6<sup>th</sup>, these witnesses had made personal scheduling commitments for the trial.

5. Among the Court's rulings on January 6, 2016, this Honorable Court issued an order granting the "State's Motion to Compel a Witness to Testify Pursuant to Courts and Judicial Proceedings Article § 9-123".

6. On January 7, 2016, Officer William Porter, the witness subject to the Court's order:

- i. noted an interlocutory appeal to the Court of Special Appeals of Maryland from this Honorable Court's order compelling him to testify; and,
- ii. filed a "Motion for Injunction Pending Appeal."

7. On January 8, 2016, the Court of Special Appeals issued an order temporarily staying this Honorable Court's order granting of the State's Motion to Compel, pending a decision by the Court of Special Appeals on Officer Porter's Motion for Injunction.

8. On January 8, 2016, the State responded to Officer Porter's Motion for Injunction and Officer Porter, in turn, filed a reply to the State's response to the Motion for Injunction.

9. On the same day in the case of *State v. Caesar Goodson*, the State filed a Motion for Continuance Pending Resolution by the Court of Special Appeals of the Motion for Injunction

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<sup>1</sup> During a subsequent scheduling conference in December, the Court advised that a motions hearing would take place on January 6<sup>th</sup> and jury selection would begin on January 11<sup>th</sup>.

Pending Appeal by Officer William Porter or, In the Alternative, to Retry Officer William Porter's Pending Criminal Case Prior to the Trials of Those Cases in Which He is a Subpoenaed Witness.

10. On the morning of January 11, 2016, Officer Goodson filed a Motion in Opposition to the State's Motion for Continuance.

11. On January 11, 2016, the Court of Special Appeals ordered that the trial of *State v. Caesar Goodson* be stayed pending resolution of Officer Porter's interlocutory appeal or further order by the Court of Special Appeals ("the Stay").

12. In accordance with the order of the Court of Special Appeals, on January 11, 2016, this Honorable Court stayed the trial of *State v. Caesar Goodson*, noted the respectively filed pleadings of the State's motion for continuance and the Defendant's opposition to same, determined the State's request to be moot and then recessed the proceedings.

### ARGUMENT

This Honorable Court's rendering of its ruling lasted approximately two (2) minutes, after which the Court immediately recessed the proceedings. Given the extreme brevity of the entire proceeding, neither the State nor the Defense was able to address this Honorable Court. As such, the Defense was not able to place, on the record, its reasons for opposition to the stay imposed upon these proceedings and the concomitant postponement that results. Preliminarily, the defendant would respectfully wish to incorporate all of the arguments propounded in the defendant's motion in Opposition to the State's Motion for Continuance that was filed on January 11, 2016.

Under Maryland law, Officer Goodson's trial was required to start within 180 days after his or his counsel's initial appearance, *i.e.*, November 23, 2015. *See* Md. Code Ann., Crim. Proc.

§ 6-103 (formerly Article 27 § 591); Md. Rule 4-271(a)(1); *State v. Hicks*, 285 Md. 310 (1979) (holding that the 180-day requirement is mandatory) ("*Hicks*"). Officer Goodson's trial was already postponed once to January 6th, well past the *Hicks* date (without waiver). In addition to the statutory requirement that he be tried within 180 days, Officer Goodson's right to a speedy trial is guaranteed by Article 21 of the Maryland Declaration of Rights and the Sixth Amendment to the United States Constitution. As of the filing of this objection, Officer Goodson's trial has been suspended indefinitely. The uncertainty of a future trial date is the antithesis of his constitutional rights.

Officer Goodson is prejudiced by the Stay due to the very real specter that he will not be able to mount the structured defense that has been developed by his attorneys based on the scheduling of this matter as set by this Honorable Court. A host of expert witnesses have been garnered, prepared, and have made accommodations to their respective schedules in order to appear and testify in Officer Goodson's defense based on the scheduled date and timetable that was required and established by this Honorable Court for the trial of these matters. Particularly with regard to the numerous expert witnesses that Officer Goodson intended on calling, to lose any one due to unavailability occasioned by scheduling uncertainty will adversely impact Officer Goodson's defense. A change of the trial at this time significantly impinges upon and hampers Officer Goodson's ability to put on the defense that has been crafted on his behalf.

In the matter *sub judice*, it is Officer Goodson's position that the State has chosen a course and strategy of litigation relative to all of the charged defendants that to this point has created chaos, uncertainty as to the process and, most importantly, abjectly disregarded Officer Goodson's constitutionally guaranteed due process right to a speedy trial. Officer Goodson has played no role in the morass that the State has created. All that he desired was to have his case

tried on the date set by this Honorable Court more than three (3) months ago. The State made its election at its own peril. The State, in its discovery, has listed in excess of one-hundred (100) potential witnesses. The State is now contending that Officer Porter is the sole and ultimate linchpin in its prosecution of Officer Goodson. The defense would merely query -- should Officer Goodson's constitutionally guaranteed rights to due process and a speedy trial be cast aside because of the State's erroneous assessment of the strength, *vel non*, and tactical course of their case? As such, the mere fact that the State's strategy has not inured to its benefit thus far is hardly good cause for postponing or continuing Officer Goodson's case. Juxtaposed against Officer Goodson's constitutionally guaranteed fundamental due process right to a speedy trial, the postponement of this trial that has been occasioned solely by the State's flawed litigation strategy woefully fails to even approximate a semblance of good cause that is a necessary requisite for this Honorable Court to exact the action that it has taken.

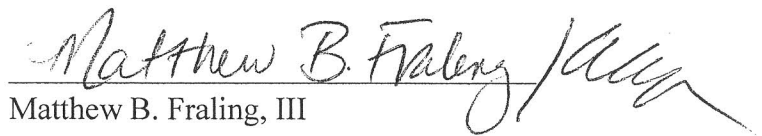
Besides the constitutional considerations, the Stay most notably serves to effectively exact further terrible emotional and psychological tolls on the defendant, his wife and children. Officer Goodson has suffered a particularly onerous detriment as a result of the charges and allegations levied against him. In addition to the significant and substantial financial deficit that he and his family have suffered, the continued pendency of these matters without resolution has weighed heavily on his psyche as well as his public image. The unfair circumstances can only be remedied -- albeit imperfectly-- through a prompt trial and a final disposition of the charges.

As an individual who is cloaked with a constitutional presumption of innocence, Officer Goodson deserves nothing less than an expeditious opportunity to have his day in court. Continuing the delay of the commencement of Officer Goodson's trial will make meaningless his

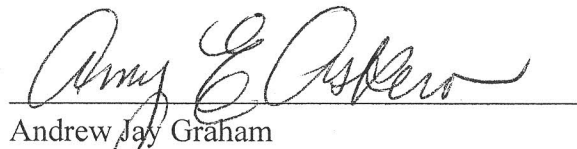
rights to due process and justice as embodied and guaranteed in the U.S. Constitution and the Maryland Declaration of Rights.

For the reasons set forth above, Officer Goodson respectfully re-asserts his objection to the continuation of a stay of his trial and the concomitant abrogation of Officer Goodson's constitutionally guaranteed rights to a speedy trial.

Respectfully submitted,



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*Counsel for Officer Caesar Goodson*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of January, 2016, a copy of the foregoing Objection was sent via electronic mail and by first class mail, postage prepaid to the following:

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Office of the State's Attorney for Baltimore City  
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Amy E. Askew