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CIRCUIT COURT
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REQ.
RE
2016 JAN -6 A
CIVIL

STATE OF MARYLAND	*	IN THE
	*	2016 JAN -6 A 10: 03
Plaintiff	*	CIRCUIT COURT
	*	
v.	*	FOR
	*	
CAESAR GOODSON	*	BALTIMORE CITY
	*	
Defendant	*	Case No. 115141032

* * * * *

DEFENDANT'S OPPOSITION TO STATE'S MOTION IN LIMINE TO PROHIBIT THE TESTIMONY OF CHARLES G. RUSSELL, OR IN THE ALTERNATIVE, LIMIT HIS TESTIMONY TO ACCIDENT RECONSTRUCTION

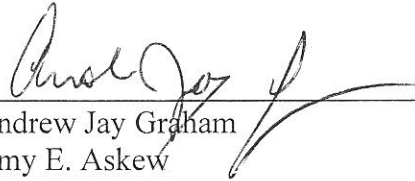
Defendant Caesar Goodson, through his counsel, opposes the State's Motion *in Limine* to Prohibit the Testimony of Charles G. Russell, or in the Alternative, Limit His Testimony to Accident Reconstruction. The State has, again, rushed to file a motion without picking up the phone or waiting a reasonable amount of time for a response to written correspondence.

On December 17, 2015, the State requested to inspect all written reports and statements of Officer Goodson's expert witnesses. Within a week, Officer Goodson provided the State with all of the materials required to be disclosed pursuant to Md. Rule 4-263 by electronic file transfer. Counsel for Officer Goodson received no further communication regarding the expert discovery disclosures until the eve of the hearing on motions in this case.

At 7:10 p.m. on Monday, January 4, 2015, the State emailed a letter to counsel for Officer Goodson raising concerns that the defense had not provided all written materials in compliance with Rule 4-263. Ex. A. The next morning, at 11:10 a.m., while counsel for Officer Goodson was in the process of responding to the letter, the State emailed the Motion *in Limine* to preclude Mr. Russell, speculating that the defense has not provided some documentation that the State needs so it can prepare for Mr. Russell's testimony.

Had the State waited for Officer Goodson to respond, it would have had time to read Officer Goodson's letter, sent by email at 1:06 p.m. on January 5th, confirming that there are no written materials that have not been disclosed. Ex. B. The State already had been provided a video recording that was shot by Mr. Russell during the inspection of the police wagon in question, Ex. C, and Mr. Russell has not made any other written statement or report. The experts disclosed by Officer Goodson were under no obligation to produce any report in the first instance, so it is unclear what additional material the State thinks it is entitled to receive.

In sum, the State's motion could have been avoided by a simple conversation between counsel. However, the State's hastiness is once again wasting the Court's time on unnecessary matters. The State's Motion should be denied.

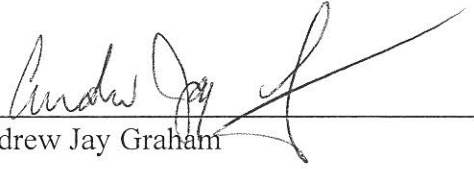


Andrew Jay Graham
Amy E. Askew
Justin A. Redd
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One South Street, Suite 2600
Baltimore, Maryland 21202
Phone: (410) 752-6030
Fax: (410) 539-1269

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January 2016, a copy of the foregoing paper was mailed, first-class postage prepaid to:

Michael Schatzow, Chief Deputy State's Attorney
Office of the State's Attorney for Baltimore City
120 East Baltimore Street
Baltimore, Maryland 21202



Andrew Jay Graham

Justin A. Redd

From: Andrew Jay Graham
Sent: Monday, January 04, 2016 7:17 PM
To: Amy E. Askew
Cc: Jane M. Walker
Subject: Fwd: State v. Goodson
Attachments: image002.png; ATT00001.htm; Letter of Discovery of Disclosures.pdf; ATT00002.htm

Andrew Jay Graham
Kramon & Graham, P.A.

Begin forwarded message:

From: Michael Schatzow <MSchatzow@stattorney.org>
Date: January 4, 2016 at 7:10:22 PM EST
To: "agraham@kg-law.com" <agraham@kg-law.com>, "matthew.fraling@mdlobbyist.com" <matthew.fraling@mdlobbyist.com>
Cc: Janice Bledsoe <JBledsoe@stattorney.org>
Subject: State v. Goodson

Counsel, please read the attached letter.

Michael Schatzow
Chief Deputy State's Attorney
Office of the State's Attorney for Baltimore City
120 E. Baltimore Street, 9th Floor
Baltimore, Maryland 21202
MSchatzow@stattorney.org
443-984-6011



January 4, 2016

Via Email

Andrew Graham
Kramon & Graham, P.A.
1 South Street, Ste 2600
Baltimore, MD 21202

Re: State v. Goodson
Case No: 115141032

Dear Andy:

On December 17, 2015, I wrote you in pertinent part:

“Pursuant to page 9 of the Defendant’s December 7, 2015, Discovery of Disclosures, I would like the opportunity, on Monday, Tuesday, or Wednesday of next week, ‘to inspect and copy all written reports and statements made in connection with the action by [each of your experts], including the results of any physical or mental examination, scientific test, experiment, or comparison.’ ”

On December 23, 2015 I sent you an email pointing out that I had received no response to my December 17 letter and asking whether the material promised was going to be made available on a timely basis. You responded that the material would be made available the following day, December 24.

The material made available December 24 does not include any of the information quoted above. Undoubtedly, such information exists for some of your expert witnesses, specifically including Mr. Charles G. Russell. Your failure to provide the disclosures required by rule and promised in your disclosures of December 7 and email of December 24 has made it impossible for the State to obtain an expert witness and prepare to meet the testimony of Mr. Russell. Accordingly, the State will object to your calling Mr. Russell as a witness and to any effort on your part to introduce as evidence any of his opinions, calculations, or demonstrative evidence.

Very Truly Yours,

Michael Schatzow.
Chief Deputy State’s Attorney

cc. Matthew Frailing, Esq.
Janice Bledsoe, Deputy State’s Attorney

Justin A. Redd

From: Jane M. Walker on behalf of Andrew Jay Graham
Sent: Tuesday, January 05, 2016 1:06 PM
To: mschatzow@stattonney.org
Subject: State v. Goodson, et al., Case No. 115141032
Attachments: 02007156.pdf

Please see attachment.

Jane M. Walker
Administrative Assistant
Kramon & Graham, P.A.

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ALSO ADMITTED IN NY AND DC

January 5, 2016

Via electronic mail

Michael Schatzow, Chief Deputy State's Attorney
Baltimore City State's Attorney's Office
120 East Baltimore Street
Baltimore, Maryland 21202

Re: *State v. Goodson, et al.*
Case No.: 115141032

Dear Mike:

I write in response to your letter of last night at 7:10 p.m., in which you indicate that the defense has failed to provide the State with discovery material and, on that basis, the State will object to us calling Mr. Russell or introducing any of his opinions, calculations, or demonstrative evidence.

You are mistaken that there has been any failure in Defendant's fulfilling his discovery obligations and therefore I do not see the basis for your objection as to Mr. Russell or any defense expert. For one, the video recording that Mr. Russell made during the van inspection was produced to you as requested. Other than that, Mr. Russell has created no "written reports and statements" and has not made any writings reflecting the "results of any physical or mental examination, scientific test, experiment, or comparison."

If your concern relates to the statement in Officer Goodson's disclosure that Mr. Russell has "independently verified calculations of the speed of the van and the distance traveled," your conclusion that we have not produced any document required by Rule 4-263 is incorrect. Specifically, Mr. Russell reviewed the reports of Sgt. DeLuca and Det.

Michael Schatzow, Chief Deputy State's Attorney

January 5, 2016

Page 2

McCarthy and determined that their mathematical calculation were accurate. Mr. Russell produced no written documentation in connection with this review.

Additionally, as you know from the Defendant's Discovery Disclosures, Mr. Russell has also been designated to respond to the opinions and testimony of the State's experts, and may expand upon his opinions as more information is provided. If, in doing so, Mr. Russell produces any written reports or statements, the Defendant will produce such material in keeping with the continuing obligation under the Rules. For example, Dr. Allan says that Mr. Gray's injury was caused by an abrupt turn, acceleration, or deceleration of the van, and Dr. Soriano says that Mr. Gray would not have been able to generate sufficient force to cause the injuries he suffered from deliberately hitting his head against the interior walls, floor, ceiling or seat of the van. If, however, your experts go beyond their disclosures (*e.g.*, if they testify that the force generated in a fall from a standing position would not be sufficient without the van being in motion, or that Mr. Gray could not have self-generated a sufficient amount of force by deliberately falling), Mr. Russell will be prepared to respond and, if necessary, perform certain calculations, as we presume that the State will not go beyond its disclosures to Officer Goodson. But, as of today's date, no written report has been generated regarding those calculations.

Accordingly, the State has everything that Officer Goodson has from Mr. Russell and the other disclosed experts. With that understanding, I hope you will reconsider your position. Even if you do not, there is no merit to an objection to Mr. Russell's testifying.

Very truly yours,


Andrew Jay Graham

Materials from Andrew Jay Graham, Esquire - Message (HTML) (Read-Only)

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From: Janet E. Sprinkle Sent: Thu 12/24/2015 12:14 PM
To: 'MSchatzow@stattorney.org'; 'jbutler@stattorney.org'
Cc: Andrew Jay Graham; Amy E. Askew
Subject: Materials from Andrew Jay Graham, Esquire

1 2 3 4 5 6 7 8 9

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If this is the first time you have used our file transfer system, you will need to create a password for your email address when you login.

Please let me know if you have any problems with the download.

Thank you.

Janet E. Sprinkle
Network Administrator
Kramon & Graham, P.A.

Download Files

Available until: 08 January 2016

Download File: Materials to Schatzow 12.24.15.zip
357.06 MBytes,

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Name	Type	Compressed size	Pass...	Size	Ratio	Date modified
1.jpg	JPEG image	2,178 KB	No	2,182 KB	1%	5/7/2015 8:49 AM
2.jpg	JPEG image	1,822 KB	No	1,825 KB	1%	5/7/2015 8:49 AM
3.jpg	JPEG image	164 KB	No	167 KB	3%	5/7/2015 8:49 AM
4.jpg	JPEG image	194 KB	No	196 KB	1%	5/3/2015 4:50 PM
Charging Documents.PDF	Adobe Acr...	735 KB	No	763 KB	4%	5/7/2015 9:19 AM
Mugshot.pdf	Adobe Acr...	65 KB	No	66 KB	2%	5/7/2015 9:20 AM
Police Report.PDF	Adobe Acr...	2,229 KB	No	2,258 KB	2%	5/7/2015 9:36 AM
Rueger Hospital Documents(redact...	Adobe Acr...	380 KB	No	390 KB	3%	12/24/2015 10:41 AM
Russell video.MOV	QuickTim...	158,406 KB	No	159,871 KB	1%	12/23/2015 4:00 PM
Thumbs.db	Data Base ...	63 KB	No	71 KB	13%	12/24/2015 11:38 AM
Video 1.mp4	MP4 Video	13,443 KB	No	13,451 KB	1%	5/7/2015 8:54 AM
video 2.mp4	MP4 Video	185,956 KB	No	185,938 KB	0%	5/7/2015 8:54 AM
XNAME.CRS	CRS File	1 KB	No	1 KB	89%	12/24/2015 9:56 AM
XNAME.LIB	LIB File	1 KB	No	1 KB	89%	12/24/2015 9:56 AM

14 items

Receipt Notification: Materials to Schatzow 12.24.15.zip RE: Materials from Andrew Jay Graham, Esquire

File Message Nuance PDF

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From: mschatzow@stattorney.org Sent: Sun 12/27/2015 11:04 AM
To: Janet E. Sprinkle
Cc:
Subject: Receipt Notification: Materials to Schatzow 12.24.15.zip RE: Materials from Andrew Jay Graham, Esquire

1 2 3 4 5 6 7 8

Your files have been received by mschatzow@stattorney.org
27 December 2015 11:03:20

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