

2015 DEC 30 P 3: 01

STATE OF MARYLAND

Plaintiff

v.

CAESAR GOODSON

Defendant

* IN THE
CRIMINAL DIVISION

* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* Case No. 115141032

* * * * *

**DEFENDANT'S RESPONSE TO STATE'S MOTION *IN LIMINE* TO PRECLUDE
DEFENDANT FROM ATTEMPTING TO CALL PROSECUTORS IN THIS
CASE AS TRIAL WITNESSES AND FROM ATTEMPTING TO CONTROVERT
CERTAIN ASPECTS OF OR TO RAISE BASELESS ACCUSATIONS ABOUT
THE STATE'S ATTORNEY'S PRE-INDICTMENT ACTIONS IN THIS CASE**

Defendant Caesar Goodson, through his counsel, submits this response to the State's Motion *in Limine* to preclude the Defendant from attempting to call prosecutors in the case as trial witnesses and from attempting to controvert certain aspects of or to raise baseless accusations about the State's Attorney's pre-indictment actions in this case.

Initially, Defendant states that he has no present intention to call any prosecutors in this case as trial witnesses. He does, however, reserve the right to raise any legitimate question about the investigation into Mr. Gray's death generally, and coordination between the Office of the State's Attorney and the Office of the Chief Medical Examiner, with respect to the autopsy report from the Office of the Chief Medical Examiner.

Evidence that calls into question the legitimacy of the investigation or autopsy report is clearly admissible at trial, as it has a "tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable that it would be without the evidence." Md. Rule 5-401. To the extent that there may be

evidence of bias, undue influence or other questionable aspects involved in the investigation of this case, that evidence would be probative to the credibility and reliability of the investigation.

The State's Motion *in Limine* lists several distinct areas on which the State seeks to preclude inquiry or evidence:

(1) The State's Attorney's Office's use of its own employees to investigate Mr. Gray's death

The defense in this case believes it is fair to adduce evidence that there was a "rush to judgment" in this case. By the same token, the *lack* of investigation by the State's Attorney's Office is admissible to buttress this point. A defense that a defendant was quickly identified as the culprit, and all other leads and evidence ignored, is one that is well accepted and appropriate in the proper circumstances.

As the Court is well aware, on May 1, 2015, Ms. Mosby told the world that:

Over the course of our independent investigation, in the untimely death of Mr. Gray, my team worked around the clock; 12 and 14 hour days to canvas and interview dozens of witnesses; view numerous hours of video footage; repeatedly reviewed and listened to hours of police video tape statements; surveyed the route, reviewed voluminous medical records; and we leveraged the information made available by the police department, the community and family of Mr. Gray.

The findings of our comprehensive, thorough and independent investigation, coupled with the medical examiner's determination that Mr. Gray's death was a homicide that we received today, has led us to believe that we have probable cause to file criminal charges.

The State's Attorney's Office cannot have its cake and eat it. That Office has declared publicly that it conducted a thorough and independent investigation, and now seeks to stymie a defense that asserts to the contrary. A subsequent grand jury indictment

cannot wash clean an investigation that the defense will seek to show sacrificed thoroughness and fairness for speed.

(2) Relationship between prosecutors and their friends, partners or spouses

Officer Goodson currently has no intention of delving into these areas and has no objection to the Court granting the motion in that respect. In the unlikely event that counsel seeks to elicit these matters later, counsel will notify the Court, prior to raising such matters in open court.

(3) Civil actions against prosecutors involving the underlying events of this case

Officer Goodson currently has no intention of delving into these areas and has no objection to the Court granting the motion in that respect. In the unlikely event that counsel seeks to elicit these matters later, counsel will notify the Court, prior to raising such matters in open court.

(4) Prosecutors' past coordination with police to address crime in certain neighborhoods

Officer Goodson currently has no intention of delving into these areas and has no objection to the Court granting the motion in that respect. In the unlikely event that counsel seeks to elicit these matters later, counsel will notify the Court, prior to raising such matters in open court.

(5) Prosecutors' involvement in coordinating or prioritizing aspects of the police investigation into Mr. Gray's death

Several police officers will be testifying in this case, presumably in both the defense and the prosecution case. The extent to which they prioritized certain

matters, ignored other leads, or otherwise conducted their investigation is absolutely fair inquiry.

(6) Prosecutors' involvement in drafting/editing Statements of Probable Cause in this case

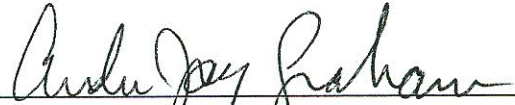
Officer Goodson is unable to respond to this until such times as the Court has resolved the discovery dispute, being separately litigated under seal.

(7) Prosecutors' involvement in obtaining search and seizure warrants in this case

Officer Goodson currently has no intention of delving into these areas and has no objection to the Court granting the motion in that respect. In the unlikely event that counsel seeks to elicit these matters later, counsel will notify the Court, prior to raising such matters in open court.

(8) Prosecutors' coordination with the Office of the Chief Medical Examiner in sharing and discussing evidence in this case

A central issue of contention in this case is the medical examiner's finding that the manner of death in this case is homicide. To the extent the medical examiner relied on information provided by prosecutors, or anyone working at their direction, or to the extent that the prosecutors had information relevant to the coroner's investigation, it is valid inquiry at trial in this matter.



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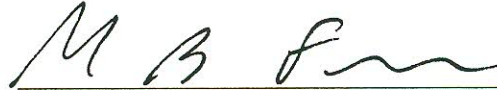
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of December 2015, a copy of the foregoing

Response to State's Motion *in Limine* was sent by first class mail, postage prepaid to:

Michael Schatzow, Chief Deputy State's Attorney
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Andrew Jay Graham