

1 turned over a witness interview.

2 THE COURT: You said a witness interview?

3 MS. BLEDSOE: Yes. A witness, a separate  
4 witness interview than the video that Ms. Flynn is  
5 referring to.

6 THE COURT: Okay.

7 MS. BLEDSOE: We had originally --

8 THE COURT: Well, hold on. Let me -- I'm  
9 writing this down.

10 Witness interview, photos. How many photos?

11 MS. BLEDSOE: Over 200.

12 THE COURT: Okay. And then you said videos of  
13 interviews?

14 MS. BLEDSOE: We turned over one witness  
15 interview that we conducted at the very beginning, Ms.  
16 Craddick (phonetic).

17 THE COURT: Right. But that's -- is that  
18 separate from the videos that she talked about?

19 MS. BLEDSOE: Mmm-hmm, absolutely.

20 THE COURT: Okay. So you're -- your witness  
21 interviews of Ms. Craddick, you said?

22 MS. BLEDSOE: Interview with Ms. Craddick.

23 THE COURT: Okay. And then the videos of  
24 interviews with people in the community, which is how she  
25 described it?

1 MS. BLEDSOE: There is a -- a video.

2 THE COURT: Okay. How many people on the  
3 video?

4 MS. BLEDSOE: Three unidentified community  
5 members who would not identify themselves.

6 THE COURT: Okay. So three unidentified  
7 people.

8 MS. BLEDSOE: And --

9 THE COURT: Who did the interview?

10 MS. BLEDSOE: One of our investigators.

11 THE COURT: Okay. So that was done by an  
12 investigator.

13 Okay. Hold on one second.

14 And she indicated there are two pages that  
15 describe the witness interviews; is that separate and  
16 apart or --

17 MS. BLEDSOE: Your Honor, we gave over seven  
18 pages of investigative notes.

19 THE COURT: Okay. I'm -- well. I'm only going  
20 by what I'm told, and what you're telling me. That's why  
21 we're here to try to figure out.

22 MS. BLEDSOE: Yes.

23 THE COURT: So you say you turned over seven  
24 pages.

25 MS. BLEDSOE: Well, there's seven investigative

1 notes.

2 THE COURT: What does that mean?

3 MS. BLEDSOE: That means there were seven  
4 reports that were generated by --

5 THE COURT: Okay.

6 MS. BLEDSOE: -- investigators.

7 THE COURT: Okay. So seven reports?

8 MS. BLEDSOE: And they could be one page. They  
9 could have been two pages.

10 THE COURT: Okay. And -- but as far as  
11 interviews of individuals, you're saying that all that  
12 you turned over was the one witness interview by Ms.  
13 Craddick, and a video that identifies -- I'm sorry --  
14 that has three unidentified people, which was done by one  
15 of your investigators?

16 MS. BLEDSOE: Correct, Your Honor.

17 THE COURT: Okay. And so there were no other  
18 interviews that you had because --

19 MS. BLEDSOE: Right.

20 THE COURT: -- if you did, then you would have  
21 turned those over?

22 MS. BLEDSOE: That is absolutely correct.

23 THE COURT: Okay. And then the investigative  
24 notes, what are they involving?

25 MS. BLEDSOE: The investigative notes involve

1 canvassing. Like, for instance, knocking on the door,  
2 and somebody saying, you know, I didn't see anything; I  
3 did see anything.

4 THE COURT: And did you -- when you turned that  
5 over, did you indicate who was doing the canvassing on  
6 your part -- on the part of your office?

7 MS. BLEDSOE: It was one of our investigators.  
8 And I don't know if, right off the top of my head,  
9 whether it was signed by an investigator.

10 THE COURT: Okay. And was it the same  
11 investigator who did all seven investigative reports?

12 MS. BLEDSOE: I'm sorry, Your Honor?

13 THE COURT: I said -- you said there were seven  
14 investigative reports. Was it done by the same  
15 investigator?

16 MS. BLEDSOE: Yes, Your Honor.

17 THE COURT: Okay.

18 MS. BLEDSOE: It was done.

19 THE COURT: Okay. So done by one person.

20 Okay.

21 Okay. Go ahead.

22 MS. BLEDSOE: You mean what else we turned  
23 over, Your Honor?

24 THE COURT: Mmm-hmm.

25 MS. BLEDSOE: We turned over all the medical

1 records, which we had gotten prior to the police  
2 department. So all of Mr. Gray's medical records.

3 THE COURT: When you say all, what do you mean  
4 by all?

5 MS. BLEDSOE: I mean --

6 THE COURT: Coming from where, when, and what  
7 time frame?

8 MS. BLEDSOE: Concerning this incident, coming  
9 from Shock Trauma.

10 THE COURT: Concerning -- okay.

11 MS. BLEDSOE: Mmm-hmm.

12 It was roughly 1000 to 1500 pages.

13 THE COURT: Okay.

14 Okay. Go ahead.

15 MS. BLEDSOE: Photographs. But I already --  
16 and that was just of the community.

17 THE COURT: Okay. Anything else that you  
18 listed that you turned over?

19 MS. BLEDSOE: I don't believe so, Your Honor.

20 THE COURT: Okay. All right. Continue. I  
21 just wanted to make sure we were clear here.

22 MS. BLEDSOE: Oh, we did turn over the first  
23 responder curriculum.

24 THE COURT: Say that again.

25 MS. BLEDSOE: It's the first responder course

1 curriculum. As soon as we got it, we turned that over.

2 THE COURT: Well, where did you get that?

3 MS. BLEDSOE: From the Police Department.

4 THE COURT: Okay. First responder course  
5 curriculum.

6 MS. BLEDSOE: Ms. Flynn already referred to  
7 that. It was a slide show.

8 MS. FLYNN: I believe that's what I received  
9 yesterday.

10 MS. BLEDSOE: It was a slide show.

11 THE COURT: Okay. All right.

12 Okay. Go ahead.

13 MS. BLEDSOE: I mean, that's -- other than just  
14 the initial discovery, I think we're up to 7000 pages,  
15 roughly, of total discovery (inaudible at 2:37:35 p.m.)  
16 I'm telling you way more.

17 But we have complied with every -- even overly  
18 cautiously complied with it. Even in my narrow reading,  
19 I have been persuaded to give up more than --

20 THE COURT: Okay.

21 MS. BLEDSOE: -- I believe that we should be  
22 giving up. But --

23 THE COURT: All right. Go ahead. You can  
24 continue.

25 MS. BLEDSOE: Okay. So, Your Honor, I think in

1 this sort of general idea that the defense thinks they're  
2 entitled to everything, I mean, I think it's pretty clear  
3 that they're only entitled to what's under the Discovery  
4 Rules, and that that is what we have continued to comply  
5 with.

6 I mean, you know, they're not entitled to  
7 interoffice emails written between April 12<sup>th</sup> and May 1<sup>st</sup>  
8 in the State's Attorney's Office.

9 They're not entitled to interoffice --  
10 intraoffice emails. Or emails written between the  
11 State's Attorney's Office; the Baltimore City Police  
12 Department; the Mayor's Office; the Law Offices of  
13 Murphy, Falcon, and Murphy; the Baltimore City Sheriff's  
14 Department; the Office of the Medical Examiner. These  
15 requests are so broad, and they also delve into our work  
16 product.

17 And although there have been a number of emails  
18 that have been turned over between the State's Attorney's  
19 Office and BPD, which the defense has, some of their  
20 requests are clearly going into work product of the  
21 State's Attorney's Office.

22 We are 100 percent aware of our obligation, and  
23 we have continued to update, even as late as yesterday,  
24 information that we believe they are entitled to.

25 I don't think they're entitled to phone

1 records, voicemails, text messages between employees of  
2 the State's Attorney's Office.

3 I don't think they're entitled to phone  
4 records, voicemails and text messages between employees  
5 of the State's Attorney's Office and all of those other  
6 entities that I named earlier.

7 And that's what their request is asking us to  
8 do. And we're -- they're just not entitled to it under  
9 the Discovery Rules.

10 THE COURT: Okay. Anything else on that issue?

11 MS. BLEDSOE: Not on that issue, Your Honor.

12 THE COURT: Okay. What say you about their  
13 argument that you were acting as the sole investigator  
14 between April 12<sup>th</sup> and May 1<sup>st</sup>? What's your argument on  
15 that?

16 MS. BLEDSOE: Your Honor, we -- we are  
17 complying -- according to the Discovery Rules, anything,  
18 whether we're acting as an investigator or whether we get  
19 the information from BPD, because as you know, what BPD  
20 has, we are responsible for. So it doesn't matter if it  
21 comes from our office or it comes from BPD, in terms of  
22 investigation, we have continued to be exact about our  
23 discovery --

24 THE COURT: Well, at what point did you get the  
25 investigative report from the Baltimore City Police



1 Department? I thought that was what -- well, you tell  
2 me. I don't need to think. You tell me when it was.

3 MS. BLEDSOE: The first Baltimore City -- the  
4 big investigative file?

5 THE COURT: I have no clue how many. You  
6 people know. You need to tell me.

7 MS. BLEDSOE: Your Honor, I'm just kind of  
8 confused as to -- as to what they're -- what the defense  
9 is referring to.

10 We were given a very large file, I think it was  
11 at the end of April, on a Thursday night.

12 THE COURT: Okay.

13 MS. BLEDSOE: And we --

14 THE COURT: But that was separate and apart  
15 from your own -- your own investigation; correct?

16 MS. BLEDSOE: Well, actually, some of it we  
17 gave to the police department. So even though we  
18 conducted an independent investigation, they were efforts  
19 that were duplicated because, for instance, they didn't  
20 have any of the medical records. So we got all the  
21 medical records, and we gave them to the police  
22 department.

23 We had suggested that they visit a couple  
24 different businesses, so they -- the police department  
25 went and they looked at these videos from these

1 businesses, which is how we go the video from Fremont and  
2 Mosher.

3 THE COURT: What video are you referring to?

4 MS. BLEDSOE: There's a video at Fremont and  
5 Mosher.

6 THE COURT: Is it something that's been turned  
7 over in discovery?

8 MS. BLEDSOE: Absolutely.

9 THE COURT: Okay.

10 MS. BLEDSOE: So all the stuff that we had  
11 gotten, or that we had requested, we gave to the police  
12 department, for instance the medical records or any  
13 requests that we had, and then that was then given back  
14 to us in the original investigative file that the police  
15 gave to us.

16 I think part -- the part that people don't  
17 understand is, you know, the State's Attorney's got --  
18 Office got a call on April 13<sup>th</sup> that there had been an  
19 issue with a prisoner that was detained in the van.

20 We started sending out investigators as early  
21 as, I think, the 13<sup>th</sup> or the 14<sup>th</sup>, just to go into the  
22 community to start looking around.

23 THE COURT: Okay. Well, stop right there.

24 That information that you said you sent  
25 investigators into the community starting April 13. Do

1 you have notes from those investigators or --

2 MS. BLEDSOE: That's what we --

3 THE COURT: -- is that part of the seven  
4 investigative notes?

5 MS. BLEDSOE: And the video.

6 THE COURT: And is it dated so that --

7 MS. BLEDSOE: I can't tell you whether it's  
8 dated, Your Honor. I'd have to check. But I think the  
9 notes tell you that they took the video, and there's a  
10 date on the notes.

11 THE COURT: Okay.

12 MS. BLEDSOE: So we would go into -- our  
13 investigators would go into the community and they'd  
14 identify where the CCTV cameras were. They'd identify  
15 where the MTA cameras were. They'd identify where the  
16 business cameras were.

17 And all that information, once they identified  
18 it to us, we would be giving to the police department, so  
19 that they could get any of the information.

20 So I guess saying that, you know -- that --  
21 that we haven't turned over those things, how can you can  
22 turn those things over? I mean, we asked the police  
23 department to view them. They give it to us. And then,  
24 in the original file, we gave it back.

25 THE COURT: What do you mean how can you turn

1       them over?

2                   MS. BLEDSOE: I mean, how can we turn over a  
3       request? If we are requesting --

4                   THE COURT: Well, how did you make the -- was  
5       it a request or --

6                   MS. BLEDSOE: No. It was just a conversation  
7       that you do during investigation. Hey, have you checked  
8       the MTA cameras? Okay. Well, check them.

9                   When we got the investigative file, there was  
10      video for the MTA cameras, which we gave over.

11                   Hey, did you check this business? It looks  
12      like they have a camera that might be working or it might  
13      not be working. Okay. The police department would go to  
14      that business, and they'd check that camera. And we've  
15      given that over, whether they worked or whether they  
16      didn't work. We've given that information over.

17                   So we have been -- beginning, since like April  
18      14<sup>th</sup> -- I think we got the call the morning of the 13<sup>th</sup> --  
19      starting to make sure all these investigative avenues  
20      were being explored through us and the police department.

21                   Everything that was duplicated was given to  
22      them. We didn't do it twice, like the medical records.  
23      Or if it was something that we had, that was independent  
24      of the police department, we have turned over.

25                   I will absolutely double check -- I double

1 check all the time to make sure that we're handing things  
2 over -- about any of the investigative notes. As I  
3 recall, there were seven -- six or seven, but I'll double  
4 check.

5 We have absolutely nothing to hide. We're not  
6 hiding anything. But we also think that we're going to  
7 continue to be bound by the Discovery Rules. And I have  
8 said time and time again, I will give you what you're  
9 entitled to under the Discovery Rules. And that's what  
10 we've been doing.

11 THE COURT: Okay. All right. Anything else?

12 MS. BLEDSOE: Oh, Your Honor, you said you also  
13 wanted to know, other than the big investigative report  
14 that we were given, what other reports or --

15 THE COURT: Well, I mean, it certainly helps  
16 for me to know everything that was turned over, so I can  
17 make a decision as to whether or not the motion is  
18 overbroad/underbroad. I mean, I don't know, so I need to  
19 know --

20 MS. BLEDSOE: Right. So -- so --

21 THE COURT: I heard from the defense what it is  
22 they're seeking. And you're telling me why you shouldn't  
23 have to turn certain things over. You may or not be  
24 correct. But as a starting point, I need to know what  
25 you did turn over.

1 MS. BLEDSOE: Okay. Well, we turned over what  
2 was in our original discovery packet, which, again, was  
3 the investigative file from the police department. They  
4 were medical reports. There was videos.

5 THE COURT: I'm more concerned, because of what  
6 the defense is asking for, about things between April 12<sup>th</sup>  
7 and May 1<sup>st</sup> that were separate and apart from the police  
8 interview -- from the police investigative report.

9 MS. BLEDSOE: We -- we have turned over what we  
10 have deemed is appropriate under the Discovery Rules. We  
11 have turned over every single one of our photographs,  
12 which is over 200. We have turned over our videos of  
13 unidentified people in the community who didn't want to  
14 be identified. We have turned over investigative notes.

15 In our original discovery, we turned over the  
16 interview of, I believe it was, Ms. Craddick.

17 There isn't anything, having looked at the  
18 Discovery Rules, that we are not in compliance with.

19 And, again, we're here on a subpoena motion,  
20 not a discovery motion.

21 THE COURT: I understand.

22 MS. BLEDSOE: Because really the appropriate  
23 avenue, if they don't believe we've turned discovery  
24 over, is the motion to compel, which we're not here for  
25 today. But we have --

1 THE COURT: But ultimately, it will probably be  
2 there, so I'm just trying to clarify some issues before  
3 we have to the same thing again, so we just don't want to  
4 waste anyone's time.

5 MS. BLEDSOE: No, I understand that, Your  
6 Honor. But if it had been a discovery issue, I would  
7 have brought everything that we had turned over. But  
8 since this is just a motion for the subpoena --

9 THE COURT: No, no. I absolutely understand  
10 your argument.

11 MS. BLEDSOE: -- we didn't do that.

12 So, Your Honor, I just -- again, I -- we,  
13 again, have turned over what we believe is -- we're  
14 responsible for in the Discovery Rules. I don't think a  
15 subpoena is the appropriate way of trying to, sort of,  
16 backdoor how to get what information that they -- they  
17 think we have that we're supposedly hiding, which we're  
18 not.

19 So I think we've made as much progress as we  
20 can, Your Honor, in terms of trying to resolve --

21 THE COURT: Not a problem. That's why I'm  
22 here.

23 MS. BLEDSOE: Yeah. Well -- I adhered to your  
24 advice last week and reached out --

25 THE COURT: I will say all of you tend to

1 adhere to my advice. Everyone does.

2 MS. BLEDSOE: -- to resolve that.

3 THE COURT: I appreciate that.

4 MS. BLEDSOE: So that's why, Your Honor, we  
5 think the -- the motion -- the subpoena for the  
6 information that we have should be denied. It doesn't  
7 comport to fit with the Discovery Rules, and it should be  
8 denied --

9 THE COURT: Okay.

10 MS. BLEDSOE: -- based on the rules.

11 Thank you.

12 THE COURT: Okay. Let's see. Well, what about  
13 the issue concerning the training documents that your  
14 office may have generated?

15 MS. BLEDSOE: Your Honor, I'm not sure what  
16 basis they would be entitled to that, even if we did have  
17 it. Like I said, it has to comport to the Discovery  
18 Rules. It's just not you get to ask for anything that  
19 you want. It doesn't fit in any of the requests that  
20 we're required to give under 4-263. So I'm not sure how  
21 they're entitled to it to begin with.

22 And, again, if they think that they are  
23 entitled to it, then they should include that in a Motion  
24 to Compel, even if -- again, Your Honor, you know, you  
25 know this is a new administration. We've only been in



1 here about seven months. So I couldn't tell you -- I  
2 don't think they're entitled to it, but I couldn't tell  
3 you that we even had that information.

4 THE COURT: Okay.

5 MS. BLEDSOE: I'm not sure how that fits under  
6 any Discovery Rule obligation for the State.

7 THE COURT: Okay.

8 MS. FLYNN: Thank you.

9 And, Your Honor, I just want to clarify, what  
10 I'm requesting -- I'm not requesting because I think it's  
11 necessarily required to be turned over the Discovery  
12 Rules. It just so happens, the coincidence of this case,  
13 is that we're requesting information from the people who  
14 trained my client regarding the law.

15 THE COURT: Mmm-hmm.

16 MS. FLYNN: It's just so happens that's a  
17 member of the Baltimore City Police Department. It could  
18 have been a member of the faculty at the University of  
19 Baltimore Law School.

20 And if a member -- for instance, if Professor  
21 Warnken had been the one who had been at the training  
22 academy, then I would be subpoenaing those records from  
23 Professor Warnken. It's just coincidental that it  
24 happens to have been information that was provided by a  
25 member of the State's Attorney's Office.

1           And so I think it's not appropriate to look at  
2 this as an issue of whether or not I'm entitled to it  
3 under the Rules of Discovery. I'm entitled to issue a  
4 subpoena to inquire of a witness and request the  
5 underlying documents.

6           Now, as it turns out, perhaps Professor Warnken  
7 has provided that -- some training at the police  
8 department, and I could have --

9           THE COURT: What a thought.

10          MS. FLYNN: -- and I could -- but I know he  
11 didn't do it in April of 2012. I know it was a member of  
12 the State's Attorney's Office, which is perfectly  
13 reasonable. I'm not suggesting there's anything wrong  
14 with the State's Attorney's Office providing legal  
15 training to the police department. It happens in  
16 Baltimore County all the time.

17          But what I am suggesting is completely outside  
18 of the Rules of Discovery. I'm seeking that unique  
19 information about the training documents that are relied  
20 on by the State's Attorney's Office when they fulfill  
21 this request to go provide this information at the Police  
22 Academy.

23          Now, if I could get that from the Police  
24 Academy, that would be great. I've tried. But the  
25 Police Academy doesn't seem to have any records of that.

1 So I suspect that that information is within the purview  
2 of the State's Attorney's Office. For instance, there  
3 might be a file on Tony Gioia's computer or Lisa Phelps'  
4 computer that says Fourth Amendment Training for the  
5 Academy. That is what we're seeking.

6 And if the State is not willing to turn that  
7 over, obviously, I would ask this Court for a subpoena.  
8 And if appropriate, if Your Honor would prefer to do an  
9 in-camera review to see what this documentation is,  
10 that's fine with us.

11 I'm not looking to dig into confidential  
12 information.

13 THE COURT: Oh, of course you are.

14 (Laughter.)

15 MS. FLYNN: No, as a matter of fact, I'm not.  
16 One of the issues in this case goes to the nature of the  
17 arrest. And one of the issues would then be what was the  
18 training provided to the members of the academy about  
19 probable cause and reasonable articulable suspicion.  
20 Now, it just so happens that the people who do that  
21 training are members of the State's Attorney's Office.

22 So whether or not it's this administration or  
23 the former administration, I would hope and I would  
24 suspect that there is some documentation that's relied on  
25 year after year after year regarding these finite issues

1 that the State's Attorney's Office either, you know, out  
2 of the -- out of their good nature, agrees to provide the  
3 training to the Police Academy, or this is an ongoing  
4 relationship between the State's Attorney's Office and  
5 the Police Academy.

6 It makes perfect sense, but it's very  
7 straightforward information that we're seeking. And as I  
8 said, I think it's outside of the boundaries of the  
9 Discovery Rules. It's just a coincidence that the  
10 teacher of the law happens to be a member -- a former  
11 member of the office that's prosecuting our clients.

12 As far as the State's investigation, first I  
13 want to be clear that upon the original release of  
14 discovery, none of these items that the State's Attorney  
15 has just described, as far as their particularized  
16 investigation, were, in fact, provided.

17 But we do have -- I have four videos. There is  
18 one video with three unnamed members of the community.  
19 And they're walking the route allegedly taken by Mr.  
20 Gray. But not only are these people not identified, the  
21 interviewer is not identified. And there's no  
22 documentation; there's no date; there's nothing. I  
23 wouldn't know that this was conducted by the State's  
24 Attorney's Office, but for the fact that it was handed to  
25 us by the State's Attorney's Office.

1           But there is another interview with two people  
2 sitting on their stoop. I don't know who they are.

3           There's another interview with a woman on her  
4 porch. And there's a -- there's a series of people  
5 talking as the investigators are walking down the street.

6           Now, I'm guessing, that one of these people is  
7 Avon Mackle (phonetic) or Wayne Williams (phonetic), who  
8 I understand are the investigators for the State's  
9 Attorney's Office, but I wouldn't have any way of knowing  
10 that. There's no documentation.

11           There are no -- you know -- obviously, you  
12 know, that when a police department does an investigation  
13 and they turn over a file, their Lotus notes, they are  
14 signed off by supervisors; there are progress notes;  
15 there are updates. And those are the documents that we  
16 are provided. None of that information is included in  
17 the State's Attorney's file that they've turned over.

18           For instance, as I said last week, there are  
19 members of the police department that spoke to Dr. Allen,  
20 prior to her completing the autopsy. I know that because  
21 I have notes to that effect.

22           It was only upon interviewing Dr. Allen that we  
23 found out that the actual evidence was provided to her by  
24 members of the State's Attorney's Office. It strikes me  
25 that there might be some documentation to that effect.

1 That has never been turned over. That is certainly not  
2 work product.

3 You know, if the State's Attorney's Office  
4 chose not to make any notes of their conversations with  
5 the medical examiner, it's lucky that we found out about  
6 it because it's not in the file.

7 But I would hope and suspect that there might  
8 be some documentation of that. So that is the  
9 information that we're seeking. And when this was -- I  
10 think this request for this subpoena was filed in early  
11 July. It was after the discovery had been turned over,  
12 and this information was not there.

13 And, as I said, we are solely looking for  
14 information that was generated as a result of the  
15 investigation, not the preparation of litigation.

16 And so the State's Attorney's Office stands in  
17 the shoes of the police department. And certainly I  
18 think the State's Attorney's Office would agree that  
19 there would be nothing out of bounds with the defense  
20 attorneys issuing subpoenas to members of the police  
21 department in order to review their files.

22 And so that is simply what we're asking here.  
23 And if the Court is more comfortable with an in-camera  
24 review, that is perfectly acceptable with the defense.

25 But we do believe that we're entitled to the

1 issuance of the subpoena and the production of the  
2 information requested in the motion.

3 Thank you.

4 THE COURT: All right. Give me five minutes.  
5 I'll be right back.

6 THE CLERK: All rise.

7 We will take a recess for five minutes.

8 (Whereupon, a brief recess was taken at 2:57  
9 p.m., and the matter resumed at 3:07 p.m.)

10 THE CLERK: Silence, please. All rise.

11 The Court will resume its session, the  
12 Honorable Barry G. Williams presiding.

13 THE COURT: Thank you.

14 You may be seated.

15 All right. So we're clear, Ms. Flynn, your  
16 subpoena -- your subpoena request to Centra Booking, you  
17 have withdrawn at this hearing.

18 Your subpoena request to the Office of the  
19 Chief Medical Examiner, you have withdrawn at this  
20 hear -- when I say "you," I am now talking to all  
21 defendants since everyone has adopted it -- has been  
22 withdrawn by counsel.

23 The subpoena to the Baltimore City Police  
24 Department Training Academy, I'm told that the parties  
25 are in the process of working that out. While it has not

1       been withdrawn, at this time, the Court will deny it with  
2       leave to refile when it's more tailored.

3               The subpoena to the Office of the State's  
4       Attorney concerning any documents re: training to the  
5       Baltimore City Police Department, at this time, I'm going  
6       to deny because I do find that it's overbroad. Ms. Flynn  
7       has indicated to this Court that specifically she's  
8       looking for legal issues in training in that specific  
9       area.

10              If I were to receive -- well, if the State  
11       turned it over to them at some point, then there's no  
12       reason for a subpoena. If the State believes that they  
13       don't have to turn it over, that's fine. I do believe  
14       it's appropriate information for the State to turn over  
15       under the circumstances since the issues involved in this  
16       case are revolving around an arrest. And there's  
17       certainly the possibility that the particular training  
18       may be relevant.

19              It may not be something that comes into trial.  
20       But, again, we know, as far as the investigation, I do  
21       believe the defense has a right to have that information.  
22       So if you disagree with the Court, that's certainly fine.  
23       When a subpoena is served on you, you can file whatever  
24       motion you feel the need to, or you may -- it depends,  
25       but that's fine.



1           So that one is denied at this time and, again,  
2           with leave to tailor it very narrowly.

3           And then finally the one that is a joint  
4           request, the subpoena to the State's Attorney's Office  
5           for their documents concerning any investigation into  
6           Freddie Gray, again, I'm going to deny it at this point  
7           in time, determining that it is again overbroad. But,  
8           again, I do note that the State had indicated to the  
9           Court a number of items that have bene turned over.

10           I'm a bit concerned because the State indicated  
11           that there was one video. There defense says there's  
12           three videos. Maybe it's looked at differently.

13           When I say concerned, don't get me wrong, I'm  
14           not concerned that someone is doing something wrong,  
15           just no one is clear right now. So it probably would be  
16           helpful to make sure that everyone knows what the other  
17           side has.

18           That being said, I do believe that it is  
19           appropriate for the State's Attorney's Office to start  
20           getting ready any information that's between April 12<sup>th</sup>  
21           and May 1<sup>st</sup> concerning the investigation. I do believe  
22           they were acting as investigators during that period of  
23           time.

24           And the Court may be interested, if there is a  
25           subpoena that is narrowly tailored, looking at that

1 information in camera to see if there was any relevant  
2 information that should be turned over.

3 It's not something I would do here in the  
4 courtroom. Obviously, it would be in camera. I would  
5 probably -- not probably -- I would allow all parties to  
6 be involved in that, but we can discuss that later. But  
7 right now, I'm going to deny that particular subpoena.

8 I will also note, just so I can make it a  
9 little clearer, the subpoena, if again it comes to that,  
10 if the State decides that they should not turn the  
11 information over, if the subpoena is very specific and  
12 tailored to anything involving the death of Mr. Freddie  
13 Gray, that's one thing.

14 But as written, this Court viewed the subpoena  
15 requests as seeking emails overall between April 12<sup>th</sup> of  
16 2015 and May 1<sup>st</sup>, 2015, and all intraoffice emails. This  
17 Court does not believe that would be appropriate. But,  
18 again, any emails, notes, investigation -- investigative  
19 activity between April 12<sup>th</sup> and May 1<sup>st</sup> from the State's  
20 Attorney's Office for Mr. Freddie Grey may end up being  
21 relevant. And so I will obviously have to take the  
22 opportunity to look at that.

23 Ms. Flynn, are you -- you're speaking for  
24 everyone. Are you clear on the denial of your subpoenas  
25 at this time?

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MS. FLYNN: Yes, Your Honor. Thank you very much.

THE COURT: All right.

Counsel, at this time, I'm about to recess. But I will need to see you all in Judge Pierson's court -- not courtroom, we're here already, in Judge Pierson's chambers, but it will take maybe five minutes. So just run over there, and I'll see you there.

This Court is in recess.

Thank you.

THE CLERK: All rise.

The Court will stand in recess.

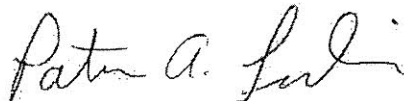
(Whereupon, a recess was taken at 3:12 p.m.)

REPORTER'S CERTIFICATE

I, Patricia A. Trikeriotis, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that the proceedings in the matter of State of Maryland vs. Caesar Goodson, et al., Case Numbers 115141032 through 37, on September 10, 2015, before the Honorable Barry G. Williams, Associate Judge, were duly recorded by means of digital recording.

I further certify that the page numbers 1 through 51 constitute the official transcript of an excerpt of the proceedings as transcribed by me or under my direction from the digital recording to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have affixed my signature this 23rd day of September, 2015.



---

Patricia A. Trikeriotis  
Chief Court Reporter  
Circuit Court for Baltimore City



STATE OF MARYLAND

\* IN THE

v.

\* CIRCUIT COURT FOR

CAESAR GOODSON

\* BALTIMORE CITY

\* Case No. 115141032

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CRIMINAL DIVISION

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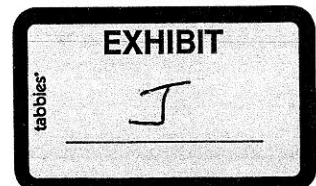
**ORDER**

On July 30, 2015, Defendants filed a Motion to Compel and for Sanctions. On August 6, 2015, the State filed its Motion to Strike as a Sanction for Defendant's Violation of Rule 4-263(i), or alternatively, State's Response to Defendants' Jointly Filed Motion to Compel and for Sanctions. On September 29, 2015, Defendants filed their Supplement to Defendants' Joint Motion to Compel and for Sanctions. On October 9, 2015, the State filed its Response to Defendant's Supplement to Defendants' Joint Motion to Compel and for Sanctions.

In consideration of Defendants' Joint Motion to Compel and for Sanctions, the Court, having found that the State has failed to produce information this Court deems exculpatory and required by Maryland Rule 4-263, it is this 14 day of October hereby

**ORDERED** that Defendant's motion is **GRANTED** in part, and hereby

**ORDERED** that the State, on or before October 28, 2015, provide counsel for Defendants, as officers of the courts, for their use in preparation for trial, with copies of any and all documents pertaining to the investigation and prosecution of Defendants, with the exception of attorney work product items created after May 1, 2015. Said documents will be treated as confidential by counsel, and no further use or dissemination of said documents will be made except by order of the Court. Any disputes pertaining to the disclosure of said documents shall be brought to the Court's attention via sealed filings.



All other requests by the State and the Defendants for sanctions are hereby **DENIED**.

**Judge Barry G. Williams**

Judge's Signature appears on the  
original document

BALTIMORE CITY

Clerk, please mail copies to the following:

Matthew Fraling, III., Attorney for Caesar Goodson

Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City