

STATE OF MARYLAND

2016 JAN -4 P 3: 09N THE

v.

* CIRCUIT COURT FOR

CRIMINAL DIVISION BALTIMORE CITY

* CASE No. 115141032

CAESAR GOODSON

* (Filed under seal)

* * * * *

**STATE'S MOTION IN LIMINE TO PRECLUDE AS IRRELEVANT CERTAIN
EVIDENCE CONTAINED IN THE DEFENDANT'S DECEMBER 24, 2015,
SUPPLEMENTAL DISCLOSURE ABOUT AN UNRELATED ARREST THAT
OCCURRED ON MAY 3, 2015**

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City; Michael Schatzow, Chief Deputy State's Attorney for Baltimore City; Janice L. Bledsoe, Deputy State's Attorney for Baltimore City; and Matthew Pillion, Assistant State's Attorney for Baltimore City; and pursuant to Rule 4-252(d) moves this Court *in limine* to issue a pretrial order precluding the Defendant in this case from offering evidence about matters contained in the Defendant's December 24, 2015, supplemental disclosure concerning an unrelated arrest that occurred on May 3, 2015. In support of this Motion, the State submits the following:

1. On December 24, 2015, the Defendant supplementally disclosed an additional thirty-five pages of documents and records, four photographs, and three new videos that he intends to use at trial. The materials relate to the May 3, 2015, arrest of Mr. Paul L. in the Western Police District of Baltimore City and describe/depict an incident during the course of transporting Mr. L. inside a police transportation wagon in which Mr. L. allegedly struggled with police officers during the seatbelting process and managed to unbuckle his seatbelt.¹ Not only did this arrest occur subsequent to the arrest and death

¹ Given the media attention to this case, out of respect for the privacy of the arrestee who was the subject of the May 3 incident, the State will refer to him using a pseudonym but will gladly provide the Court for *in camera* review copies of the documents related to the arrest.

of the victim in this case, Mr. Freddie Gray, but at the time of the May 3 incident, the Defendant had been suspended as a police officer and so did not participate in the arrest. Moreover, none of the officers involved in the May 3 incident were involved in the arrest of Mr. Gray, nor are the circumstances of Mr. L.'s arrest and transportation the same as that of Mr. Gray's. Consequently, all such information about the arrest and transportation of Mr. L. is not relevant to any legally consequential matter in this case.

2. "Evidence that is not relevant is not admissible" at trial. Rule 5-402. To be deemed relevant, the evidence must have a "tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 5-401. A "consequential fact" is also called a "material proposition," and "[m]ateriality looks to the relation between the proposition for which the evidence is offered and the issues in the case." *Smith v. State*, 423 Md. 573, 590 (2011). Even when evidence is relevant, it "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury" Rule 5-403.

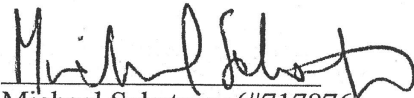
3. In this case, the issues that the jury will consider bear zero relation to the misleading, confusing, and prejudicial propositions for which the Defendant would offer evidence related to Mr. L. arrest and transportation. Allowing the Defendant to offer information about Mr. L.'s arrest and transportation would demonstrate no lesser probability that the Defendant's actions risked or caused Mr. Gray's injury or death or that the Defendant any less probably engaged in misconduct in office. Whatever may have been the circumstances attending Mr. L.'s May 3 arrest, the Defendant in this case had no

knowledge of those circumstances when he transported Mr. Gray, nor did Mr. Gray engage in similar conduct as Mr. L. is alleged to have done.

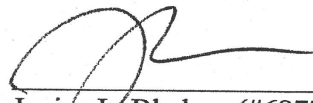
Wherefore, the State asks that this Court issue a pretrial order precluding the Defendant in this case from offering evidence related to the arrest and transportation of Mr. Paul L. that occurred on May 3, 2015.

Respectfully submitted,

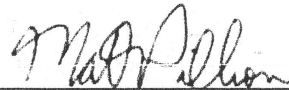
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CERTIFICATE OF SERVICE

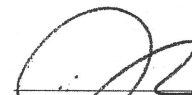
I hereby certify that on this 4th day of January, 2016, a copy of the State's Motion *in Limine* to Preclude Evidence as Irrelevant Certain Evidence Contained in the Defendant's December 24, 2015, Supplemental Disclosure about an Unrelated Arrest that Occurred on May 3, 2015, was mailed and e-mailed to:

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