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STATE OF MARYLAND

* IN THE

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v.

* CIRCUIT COURT

CIRCUIT COURT
BALTIMORE CITY
CRIMINAL DIVISION

OFFICER EDWARD NERO

* FOR

Defendant

* BALTIMORE CITY

* CASE NO. 115141033

* * * * *

MOTION TO DISMISS FOR FAILURE TO CHARGE A CRIME

Defendant Officer Edward Nero, by respective undersigned counsel, hereby moves pursuant to Maryland Rule 4-252(d) to dismiss Count IV (Reckless Endangerment) for failure to charge a crime. In support thereof, Defendant states the following:

1. On May 21, 2015, a grand jury sitting in the Circuit Court for Baltimore City returned an indictment against the Defendant. The indictment included the following counts: Count I – Assault in the Second Degree; Count II – Misconduct in Office; Count III – Misconduct in Office; and Count IV – Reckless Endangerment.
2. On June 8, 2015, and in Response to Defendant’s Demand for Bill of Particulars, the State indicated that Count IV (reckless endangerment) was based solely on the Defendant’s failure to seatbelt Mr. Gray in a police transport van.
3. Reckless endangerment, based solely upon the alleged failure of a police officer to seatbelt a prisoner during transport, is not a crime in the State of Maryland. In support, Defendant incorporates by reference, as if fully stated herein, Defendant Lt. Brian Rice’s Motion to Dismiss for Failure to Charge a Crime.

WHEREFORE, Defendant respectfully requests this Honorable Court, pursuant to Maryland Rule 4-252(d), to dismiss Court IV (Reckless Endangerment) for failure to charge a crime.

