

STATE OF MARYLAND

2016 FEB - 1 * P 3: 39

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141033

v.

CRIMINAL * DIVISION

EDWARD NERO

* * * * *

**STATE’S MOTION IN LIMINE TO ALLOW JURORS TO VIEW AND EXAMINE THE
POLICE WAGON THAT TRANSPORTED THE VICTIM**

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) respectfully moves this Court *in limine* to issue a pretrial order allowing members of the jury to view and examine the interior and exterior of the police wagon that transported the victim, Mr. Gray, on April 12, 2015, and specifying that this procedure shall be conducted in the basement parking garage of Courthouse East. In support of this Motion, the State avers the following:

1. Maryland common law permits a trial court to order that “the trier of fact go and look at an object or place which is either impractical or impossible to bring to the courtroom” when the trial court is “reasonably certain that it will aid the trier of fact in reaching its verdict and [when] it is impracticable or inefficient to present the elements to [the jury] by maps, photos, or diagrams.” *Waddell v. State*, 65 Md. App. 606, 610-11 (1985) (internal citations omitted).
2. Here, the events that occurred in the police wagon while it transported Mr. Gray are significant in both the State’s case and in the defense. An examination of the wagon would allow the jury to understand the confines, dimensions, seatbelt placement, and overview of the wagon in a way that no set of photographs, video, or witness descriptions could replicate. Examining the police wagon firsthand would be the only way for jurors

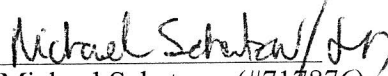
to appreciate these critical details. Furthermore, witness testimony and other evidence would be more easily understood and put in proper perspective if jurors were given the opportunity to examine the police wagon.

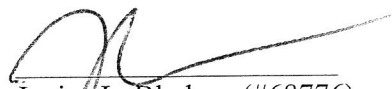
3. Obviously, it would be impracticable for the jury to examine the wagon in the courtroom, but a viable alternative for the jury to view the wagon without causing undue delay would be to bring the wagon to the basement parking garage of Courthouse East.

4. If the Court permits a jury view of the police wagon, the State recommends that the Court follow the same viewing procedure used in the trial of *State of Maryland vs. William Porter*.

Wherefore, the State respectfully requests that this Court issue a pretrial order allowing members of the jury to view and examine the interior and exterior of the police wagon that transported the victim, Mr. Gray, on April 12, 2015, and specifying that this procedure shall be conducted in the basement parking garage of Courthouse East.

Respectfully submitted,
Marilyn J. Mosby


Michael Schatzow (#717876)
Chief Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6011 (telephone)
(443) 984-6256 (facsimile)
mschatzow@statorney.org



Janice L. Bledsoe (#68776)
Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6012 (telephone)
(443) 984-6256 (facsimile)
jbledsoe@statorney.org



Matthew Pillion (#653491)
Assistant State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6045 (telephone)
(443) 984-6252 (facsimile)
mpillion@statorney.org

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of February, 2016, a copy of the State's Motion *in Limine* to Allow Jurors to View and Examine the Police Wagon that Transported the Victim was mailed and e-mailed to:

Marc L. Zayon
Roland Walker & Marc L. Zayon, P.A.
201 N. Charles Street, Suite 1700
Baltimore, Maryland 21201
(410) 727-3710
mzayon@walkerzayon.com
Attorney for Officer Edward Nero

Respectfully submitted,
Marilyn J. Mosby



Janice L. Bledsoe (#68776)
Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6012 (telephone)
(443) 984-6256 (facsimile)
jbledsoe@stattorney.org