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STATE OF MARYLAND

v.

EDWARD NERO

CRIMINAL DIVISION

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY

CASE No. 115141033

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**STATE'S RESPONSE TO DEFENDANT'S MOTION *IN LIMINE* TO PRECLUDE
REFERENCE TO OR ARGUMENT ABOUT THE LEGALITY OF THE KNIFE
RECOVERED FROM MR. GRAY IN THE COURSE OF HIS DETENTION AND
ARREST**

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 responds as follows to the Defendant's Motion *in Limine* to Preclude evidence about the legality of the knife recovered from Mr. Gray:

1. The Defendant's Motion *in Limine* seeks to exclude reference to or argument about the legality of the knife recovered from Mr. Gray during the Defendant's arrest of Mr. Gray. The Defendant bases his Motion purely on relevance grounds, arguing that the legality of the arrest is irrelevant because he believes the State's theory is that the Defendant criminally arrested Mr. Gray prior to discovering the knife, or, alternatively, because the Defendant reasonably believed the knife was illegal despite it not actually being so. Def. Mot. at 1-5.¹

¹ The Defendant also briefly suggests that because Officer Miller may have physically removed the knife from Mr. Gray and written the application for statement of charges against Mr. Gray, then somehow Officer Nero is relieved of any responsibility for police illegality involving the knife. Officer Nero's recorded statement to investigators clearly describes collective, coordinated action with Officer Miller and belies any such attempt to pass the blame to him; the Court has previously been provided with a copy of the statement, and the State will gladly provide an additional copy to demonstrate this fact.

