

STATE OF MARYLAND

2015 NOV -4 P 12: 18

v.

IN THE  
\*  
CRIMINAL DIVISION  
\*  
CIRCUIT COURT FOR  
BALTIMORE CITY

WILLIAM PORTER

CASE No. 115141037

\* \* \* \* \*

**STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OR ARGUMENT THAT THE FAILURE OF A POLICE OFFICER TO SEATBELT AN ARRESTEE IS TANTAMOUNT TO GROSS OR CRIMINAL NEGLIGENCE**

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 or Argument that the Failure of a Police Officer to Seatbelt an Arrestee is Tantamount to Gross or Criminal Negligence:

1. The Defendant's Motion in Limine repeats as its supporting basis the arguments and authorities he set forth in his Motion to Dismiss for Failure to Charge a Crime filed on October 20, 2015, essentially asking for two discrete judicial actions based on the same factual and legal grounds.
2. The State respectfully takes the same efficient pleading route and incorporates by reference, as if fully stated herein, the arguments and authorities set forth in Part II of the State's contemporaneously filed November 4, 2015, Response to the Defendant's Motion to Dismiss for Failure to Charge a Crime. The Defendant's failure to seatbelt a prisoner in his custody in violation of a police General Order unquestionably constitutes relevant,

admissible evidence as to whether or not he acted as “a reasonable police officer similarly situated.” *State v. Albrecht*, 336 Md. 475, 501 (1994).

Wherefore, the State asks that this Court deny the Defendant’s Motion In Limine to Preclude Evidence or Argument that the Failure of a Police Officer to Seatbelt an Arrestee is Tantamount to Gross or Criminal Negligence.

Respectfully submitted,

Marilyn J. Mosby



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of November, 2015, a copy of the State's Response to the Defendant's Motion In Limine to Preclude Evidence or Argument that the Failure of a Police Officer to Seatbelt an Arrestee is Tantamount to Gross or Criminal Negligence was mailed and e-mailed to:

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