



STATE OF MARYLAND

2016 JUN 13 P 1:22

IN THE  
CIRCUIT COURT FOR  
BALTIMORE CITY  
CASE No. 115141035  
(filed under seal)

v.

CRIMINAL DIVISION

BRIAN RICE

\* \* \* \* \*

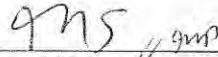
**MOTION FOR ALTERNATING CHALLENGES AND REQUEST FOR VOIR DIRE**

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; hereby requests, pursuant to Rule 4-313, alternating challenges, and, pursuant to Rule 4-312, that this Court examine the jurors of the array using the Voir Dire that the Court disseminated for use in the trial of *State of Maryland vs. Edward Nero*, case number 115141033 (attached as State’s Exhibit 1), along with the following modifications:

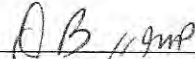
1. Amend Questions 3, 6, 7, 14, and 18 to reflect the charges, attorneys, and trial dates involved in this case.
2. Amend Question 38 to read, “[d]o you have any knowledge about the cases involving Officer William Porter, Officer Edward Nero, Officer Caesar Goodson, Officer Garrett Miller, or Sergeant Alicia White?”
3. Amend Appendices 1 and 2 referenced in Question 8 based on a combined and shortened witness list that will be provided to the Court once the Parties reach a consensus as the trial date draws nearer.

Wherefore, the State requests that this Court permit alternating challenges and examine the jurors of the array using the voir dire herein requested.

Respectfully submitted,  
Marilyn J. Mosby



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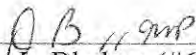
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CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of June, 2016, a copy of the State's Motion for Alternating Challenges and Request for Voir Dire was mailed and e-mailed to:

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STATE OF MARYLAND

v.

EDWARD NERO

CASE NO.: 115141033

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

\* \* \* \* \*

VOIR DIRE QUESTIONS

1. Is any member of the panel under the age of eighteen?
2. Is there any member of the panel who is not a resident of the City of Baltimore or a citizen of the United States of America?
3. The defendant in this proceeding has been charged with second degree assault, misconduct in office, and reckless endangerment. The State alleges this occurred on or about April 12, 2015 here in the City of Baltimore and that the name of the victim was Freddie Gray. Now based solely on what I have said so far is there any member of the panel who has NOT heard about this case, read about this case or aware of the incident either personally, through word of mouth or the media?
4. Is there any member of the panel who was NOT aware of the curfew imposed on Baltimore City following the unrest concerning the death of Freddie Gray?
5. Is there any member of the panel who was NOT aware of the fact that the city reached a civil settlement with the family of Freddie Gray after his death?
6. Will the defendant please stand and face the jury. Does anyone know Edward Nero, or has any member of the jury pool maintained a business or social relationship either in the past or the present with Edward Nero?



7. Edward Nero is represented by Marc Zayon and Allison Levine. The State is represented by Michael Schatzow, Janice Bledsoe, Matthew Pillion, and John Butler.
8. There are various individuals who may be called as witnesses or whose names may be mentioned during the course of testimony. They are:

**Police Officers/Detectives BPD:**

Appendix 1

**Civilians:**

Appendix 2

Does any member of the jury panel have any knowledge of the individuals whose names I have just mentioned?

9. Would any member of the jury panel be inclined to give either more or less weight to the testimony of a police officer simply because they are a police officer?
10. Would any member of the jury panel be inclined to give either more or less weight to the testimony of a defense witness simply because they are a defense witness?
11. I will now ask you some questions relating not only to you but also to members of your immediate family. By this I mean spouse, significant other, parents, children, brothers or sisters or anyone residing with you. It does **not** mean aunts, uncles, nieces, nephews, cousins or in-laws unless they live with you.
12. Has any member of this jury panel or immediate family member ever been employed by any law enforcement agency which includes, the United States Attorney; the United States Department of Justice; the Attorney General of Maryland; the State's Attorney of any jurisdiction; the Special State Prosecutor of Maryland; the Baltimore City Police; the Maryland State Police; the FBI; the DEA; the IRS; or any correctional facility including but

not limited to; the Maryland Department of Corrections; the Baltimore City Detention Center; the Central Booking Facility.

13. This question is in four parts. If you have a response to any of these questions please wait until I have read all four parts. Once I have finished, then and only then will I ask you to stand up.

- a. Has any member of the panel or immediate family member as I have defined, ever been the victim of a crime?
- b. Has any member of the panel or immediate family member as I have defined, ever been investigated by law enforcement or charged with, arrested for or convicted of a crime?
- c. Has any member of the panel or has any immediate family member as I have defined, ever been incarcerated?
- d. Does any member of the panel or immediate family member as I have defined have any pending criminal charges?

If you have a response to any of these questions, please stand.

14. Does any member of the panel have strong feelings about assault, reckless endangerment, or police misconduct in office?

15. Is there any member of the jury panel who believes that merely because a person is charged with a crime that the charge itself raises any presumption of guilt on the part of the individual so charged?

16. Does any member of the jury panel hold any strong feelings related to race, sex, color, religion, national origin or other personal attributes of the Defendant, alleged victim, witnesses, or personally?

17. Does any member of the jury panel have any medical issues, which would make them unable to serve in this case?
18. Ladies and gentlemen. This case will start in the next few days and conclude no later than May 24, 2016. We do not sit on weekends. I do believe that jury service is an important part of being a member of our society. If you want to vote or drive, at some point you will be called for jury duty. Jury duty is an honor, and our right to a trial by jury is an essential element of our legal system. If you are selected to sit on this case, you are required by law to continue on jury duty until the case is completed. Now, I have very limited authority to excuse you from service and candidly speaking I rarely exercise it. And that's because I believe it is important to have members from all across our city on my juries. Just last year one of my colleagues was picked as a juror in one of my cases. Now if you believe that you cannot serve, not that you don't want to serve, but cannot serve, I will take it into consideration. Before you even stand, let me tell you what I consider to be some of the reasons that would allow you to say that you can't. Medical proof that you cannot sit for more than 1 ½ hour. Proof that you are going on a preplanned trip. Please keep in mind ladies and gentlemen, that in order for our society to flourish, we all have to make some sacrifices. So, based on all that I've said, if you believe that you cannot serve for the next 2 weeks please stand up.

## FOLLOW UP QUESTIONS

19. Do you have any children?
20. Are you married?
21. What is your level of education?
22. What is your current employment status?
23. What is your zip code?
24. Was today the original date of your jury summons?
25. If you have knowledge of the case from any source, would that affect your ability to listen to the evidence presented and make a decision solely on what is presented here in court?
26. Have you received training in, or have any special knowledge about, police procedure?
27. Were you involved in any of the protests or incidents surrounding the arrest and death of Freddie Gray?
28. Have you attended any meetings, benefits or demonstrations supporting any of the police officers charged in the Freddie Gray case?
29. Have you attended any meetings, benefits or demonstrations supporting Freddie Gray or his family?
30. Have you communicated about the Freddie Gray case, the community reaction to it, or the charges against the police officers in any media source whatsoever?
31. Have you contacted the State's Attorney's Office, the lawyers here or any of the lawyers for the other officers charged in the Freddie Gray case?
32. Do you have strong feelings about Marilyn Mosby, the State's Attorney for Baltimore City?
33. Were you personally impacted by any of the unrest connected to the death of Freddie Gray?
34. Were you aware that the City reached a civil settlement with the family of Freddie Gray?



35. If so, would the fact that there was a civil settlement affect your ability to listen to the evidence and make a decision based solely on the evidence presented at this trial and the law as I will explain it to you in this criminal case?
36. Do you understand that the civil settlement is a civil monetary judgement and is not connected to the outcome of this criminal case?
37. Because of the civil settlement, do you believe the defendant is guilty in this criminal case?
38. Do you have any knowledge about the case involving Officer William Porter?
39. Have you formed any impressions or opinions about this case or this Defendant that would influence your ability to be fair to both sides in this case? If yes, please explain.
40. If you have formed impressions or opinions about this case or this Defendant, can you set them aside and decide the case solely on the evidence presented in court and upon the law as I will explain?
41. Based on what you have heard about this case, have you formed an opinion as to whether the defendant is guilty or not guilty? If so, can you put that opinion aside and make a decision based on the evidence presented here in court?
42. If you are selected as a juror, would you feel any pressure to find the defendant guilty regardless of the evidence or the law as I explain it to you?
43. If you are selected as a juror, would you feel any pressure to find the defendant not guilty regardless of the evidence or the law as I explain it to you?
44. Do you have any concerns about the reaction that other people may have if you reach a verdict in this case?
45. Do you have any concerns about the impact on the city from your verdict?

46. Is there anything you would like to bring to the Court's attention that might affect your ability to be a fair and impartial juror in this case?

## **Appendix 1: Police Officers/Detectives BPD**

1. Ofc. George Aberts
2. Sgt. Robert Amador
3. Ofc. Christopher Amsel
4. Ofc. Brandon Avery
5. Ofc. Sarah Avery
6. Det. Edward Bailey
7. Ofc. Kevin Battipaglia
8. Former Police Commissioner Anthony Batts
9. Maj. Donald Bauer
10. Ofc. Patrick Bauer
11. Ofc. Arlene Beads
12. Ofc. John Beamer
13. Ofc. Saimir Begollari
14. Ofc. Darren Belechto
15. Ofc. John Bilheimer
16. Sgt. Keith Blackwell
17. Maj. Stan Brandford
18. Ofc. Eugene Breen
19. Ofc. James Briscoe
20. Lt. Michael Brothers
21. Det. William Boyd
22. Det. Donald Burns
23. Det. Edward Burns
24. Det. John Burns
25. Det. Robert Burns
26. Ofc. Anthony Bush
27. Ofc. Robert Cherry
28. Major Sam Cogan
29. Ofc. Sidney Cutchin
30. Cpt. Martinez Davenport
31. Ofc. James Deasel
32. Ofc. Michael DeJesus
33. Sgt. Kenneth DeLuca
34. Det. Ryan Diener
35. Commissioner Frank Dobrey
36. Ofc. Garey Dyer
37. Ofc. Raymond Fields
38. Det. Joseph Fritzges
39. Sgt. Tashawna Gaines
40. Ofc. Edward Gillespie
41. Ofc. Caesar Goodson
42. Ofc. Eric Green

43. Col. Garnell Green (Retired)
44. Ofc. Tavon Green
45. Sgt. Michael Guzman
46. Ofc. Jamal Harris
47. Ofc. Suifan Hassan
48. Ofc. John Herzog
49. Sgt. Robert Himes
50. Sgt. Michael Hobson
51. Sgt. Jaclyn Hubbard
52. Ofc. Aaron Jackson
53. Ofc. Lloyd Johnson
54. Commissioner Johnson
55. Sgt. Christopher Jones
56. Commissioner Jones
57. Sgt. Sean Jones
58. Sgt. Brian Kratz
59. Det. Michael Lind
60. Sgt. Miloto
61. Ofc. Ryan Magnuson
62. Det. Richard McCarthy
63. Sgt. James McCormack
64. Ofc. Garrett Miller
65. Ofc. Keegan Mills
66. Det. Eugene Molinaro
67. Commissioner Charlene Montgomery
68. Ofc. Manuel Moro
69. Ofc. Raymond Morroni
70. Ofc. Manolo Munoz
71. Sgt. Keenan Murphy
72. Ofc. Valentine Nagovich
73. Ofc. Jeffry Nugent
74. Lt. Christopher Quick
75. Lt. Robert Quick
76. Sgt. Steven Olson
77. Ofc. Mark Pashkevich
78. Cpt. Erik Pecha
79. Ofc. Robert Persico
80. Ofc. Joyce Pinnock
81. Ofc. Alexandria Popham
82. Ofc. William Porter
83. Ofc. Brenden Provow
84. Ofc. Eric Ray
85. Cpt. Justin Reynolds

86. Lt. Brian Rice
87. Ofc. Gabriel Rimolo
88. Maj. Osborne Robinson
89. Ofc. Michael Rocks
90. Det. Kevin Roseborough
91. Ofc. John Rosenblatt
92. Ofc. Joshua Rosenblatt
93. Ofc. Timothy Rueger
94. Ofc. Frank Schneider
95. Ofc. Verna Severin
96. Ofc. Jeromee Shaurette
97. Ofc. Richard Siracusano
98. Det. John Socgfack
99. Sgt. Carl Stambaugh
100. Det. Daniel Stein
101. Sgt. Warren Stephens
102. Ofc. Scott Steven
103. Sgt. Charles Sullivan
104. Ofc. Susan Thomas
105. Ofc. Courtney Upham
106. Ofc. Jonathan VanCuran
107. Det. Valencia Vaughn
108. Ofc. Brenda Vincenti
109. Ofc. Daniel Washkiewicz
110. St. Alicia White
111. Ofc. Sean Yampierre
112. Sgt. Lewis Yamin
113. Lt. Jason Yerg
114. Det. Corey Alston
115. Det. Charles Anderson
116. Chief Martin Bartness
117. Det. Jeff Boettcher
118. Det. Michael Boyd
119. Ofc. Alice Carson-Johnson
120. Det. Alexi Correa
121. Det. Lakishna DeGraffinried
122. Ofc. Dan Gillgannon
123. Major Ian Dombrowski
124. Det. Alexis Emmanuelli
125. Det. Bryant Fair
126. Ofc. Mark Gladhill
127. Sgt. Christopher Grant
128. Det. Timothy Hamilton

129. Lt. Samuel Hood
130. Det. Christopher Izquierdo
131. Det. Osiris Lofton
132. Lt. Michael Norris
133. Ofc. Zachary Novak
134. Det. Joseph Poremski
135. Lt. Juan Rodriguez
136. Det. Donald Shores
137. Det. Carl Stambaugh
138. Det. Dawnyell Taylor
139. Ofc. April Taylor
140. Det. Syreeta Teel
141. Det. Mark Veney
142. Crime lab technician Thomas Wisner
143. Ofc. Matthew Wood
144. CSO Thomas Maurer
145. CSO Vernon Laumann
146. Dr. Matthew Ammerman
147. Dr. Vincent DiMaio
148. Dr. Carol Allen
149. Dr. Michael Lyman
150. Dr. Mary Ripple
151. Dr. Mark Soriano
152. Dr. Michael Woodhouse
153. Dr. David Fowler
154. Dr. Joel Winer
155. Dr. Jonathan Arden
156. Mr. Joseph McGowan
157. State's Attorney Cynthia Banks
158. Asst. Attorney General Michele Martin
159. State's Attorney Marilyn Mosby
160. Custodian of Records, Forensic Medical Examiners
161. Asst. State's Attorney Albert Peisinger
162. Deputy State's Attorney Antonio Gioia
163. Asst. State's Attorney Lisa Goldberg
164. Asst. State's Attorney Lisa Phelps
165. Asst. State's Attorney Patrick Motsay
166. Asst. State's Attorney Douglas Vey
167. Asst. State's Attorney Doug Ludwig
168. Asst. State's Attorney Jeanne Canal
169. Asst. State's Attorney Jessica Paul
170. Asst. State's Attorney Brock Riggins
171. Asst. State's Attorney Julie Potter

## Appendix 2: Civilians

1. Ivan Bates
2. Tony Garcia
3. Mary Lloyd
4. Catherine Flynn
5. Michael Belsky
6. Chaz Ball
7. Brandon Mead
8. Joseph Murtha
9. Gary Proctor
10. Donta Allen
11. Dominic Aversa
12. John Beamer
13. Robert Borkowski
14. David Brousseau
15. Devon Brown
16. Duane Brown
17. Steve Casciato
18. Jim Demore
19. Dan Dobleman
20. Jim Donahue
21. Neill Franklin
22. Greg Godish
23. Joseph Greely
24. Darryl Green
25. Michelle Gross
26. John Hoffman
27. James Irons
28. Sandra Jackson
29. James Johnson
30. Don Lemon
31. Adam Levin
32. Timothy Longo
33. Avon Mackel
34. Mike Magee
35. Robbie Matteo
36. Joseph McEvoy
37. Jayne Miller
38. Ralph Miller

39. George Morris
40. William Murphy
41. John Nero
42. Michael Rakus
43. Davonte Roary
44. Brandon Ross
45. Charles Russell
46. John "Jack" Ryan
47. Michael Schuh
48. Scott Searles
49. Marie Skalski
50. Warren Stephens
51. Mark Veney
52. Francis Victorine
53. Sierra Warren
54. Shawn Washington
55. Edward Weitzman
56. Wayne Williams
57. Matt Zemski
58. April Cook
59. Alex Brooks
60. Angela Gibson
61. Ebonee Hallman
62. Devon Scott
63. Donna Batson
64. Geraldine McAndrew
65. Harry Rebstock
66. Joe Howley
67. Kenny Whitaker
68. Kimberly Mondell
69. Kizzy Carr
70. Natasha Hill
71. Phillip Porter
72. Sylvia Porter
73. Tyler Wagner
74. Ikea Whitlock
75. Terry Whitlock
76. Nicole Carr
77. Beverly Howell
78. Renea Sommerville
79. William Porter
80. Helena Porter
81. Ian Meertens



82. Jose Bruno
83. Jennifer Anderson
84. Virginia Cates
85. Kiona Craddock
86. Angelique Herbert
87. Thomas Herbert
88. Jung Hyoun Hwang
89. James Irons
90. Andrew Jaffee
91. Kevin Moore
92. Sean Norris
93. Rick Opitz
94. Brandon Ross
95. Daquantey Walker
96. Sam Walters
97. Professor Byron Warnken
98. Shawn Washington
99. Nathaniel Adams
100. Oral Chambers
101. Paulette Hicks
102. Ernie Graham
103. Cameron Johnson
104. Kevin Marcus