IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND v. ALICIA WHITE	CASE NO. 115141036 HEARING REQUESTED

2016 JAN -5 P 3:09
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MOTION TO INTERVENE TO SEEK ACCESS TO COURT RECORDS AND PROCEEDINGS AND REQUEST FOR HEARING

The Baltimore Sun, Bloomberg News, Hearst Stations, Inc. ("WBAL"), ABC News, Associated Press, CBS News, CNN, Fox News, The Guardian, NBC News, Sinclair Broadcast, Inc. ("WBFF"), The Washington Post, The New York Times, The Wall Street Journal, WJZ, WMAR, and the Reporters' Committee for Freedom of the Press, (hereinafter "The Press Movants"), by their undersigned attorneys, hereby move to intervene in this proceeding for the limited purpose of:

1. Seeking access to transcripts of proceedings in this case;
2. Seeking access to any jury view that may take place during the trial of this case;
3. Seeking access to any sealed filings in this case, if any; and
4. Copying any audio-visual or photo exhibits that may be introduced into evidence during the trial of this case.

The grounds for this motion are set forth in the Memorandum of Law and accompanying exhibits filed contemporaneously by these movants in *State v. Porter* (Case No. 115141037), which is attached and hereby incorporated by reference. These movants further request a hearing on this motion.

Respectfully submitted,

Nathan Siegel
Shaina J. Ward
Levine Sullivan Koch & Schulz, LLP
1899 L Street, NW, Suite 200
Washington, D.C. 20036
202-508-1184 (phone)
202-861-9888 (fax)
nsiegel@lskslaw.com

Attorneys for the Press Movants

I certify that I am admitted as a member in good standing to the Bar of Maryland.

Nathan Siegel

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND	
v.	**CASE NO. 115141036**
ALICIA WHITE	**HEARING REQUESTED**

I hereby certify that, on this 5th day of January 2016, the foregoing Motion to Intervene to Seek Access to Court Records and Proceedings, the accompanying Memorandum of Law, and exhibits attached thereto, were served by first-class mail, postage pre-paid, and e-mail on:

Michael Schatzow
Deputy State's Attorney
Baltimore City State's Attorney Office
120 E. Baltimore Street, 9th Floor
Baltimore, MD 21202
State's Attorney for Baltimore City

Matthew B. Fraling, III
Harris, Jones & Malone, LLP
2423 Maryland Ave., Suite 100
Baltimore, MD 21218

Andrew J. Graham & Amy E. Askew
Kramon and Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202
Attorneys for Caesar Goodson

Joseph Murtha
Murtha, Psoras & Lanasa LLC
1301 York Road, Suite 200
Lutherville, MD 21093

Gary Proctor
Gary E. Proctor, LLC
8 E. Mulberry St.
Baltimore, MD 21202
Attorneys for William Porter

Catherine Flynn
Mead, Flynn & Gray
One North Charles Street
Suite 2470
Baltimore, MD 21201
Attorney for Garrett Miller

Marc L. Zayon
Roland Walker & Marc L. Zayon, P.A.
201 N. Charles Street, Suite 1700
Baltimore, MD 21202
Attorney for Edward Nero

Michael Belsky & Chaz Ball
Schlachman, Belsky & Weiner, P.A.
300 Lombard Street, Suite 1100
Baltimore, MD 21202
Attorneys for Brian Rice

Ivan Bates
Tony Garcia
201 N. Charles Street, Suite 900
Baltimore, MD 21201
Attorney for Alicia White

Nathan Siegel

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND v. ALICIA WHITE	CASE NO. 115141036

[PROPOSED] ORDER

Upon consideration of the Press Movants Motion to Intervene for the limited purpose of (1) seeking access to transcripts of proceedings in this case; (2) seeking access to any jury view that may take place during the trial of this case; (3) seeking access to any sealed filings in this case, if any; and (4) copying any audio-visual or photo exhibits that may be introduced into evidence during the trial of this case, and any reply thereto,

it is hereby this _____ day of _____, 2016, **ORDERED** that the Motion to Intervene is **GRANTED** for the limited purpose of seeking the relief sought by way of this motion, and it is further **ORDERED** that the relief sought by the Press Movants is hereby **GRANTED**.

_____
Judge

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND v. WILLIAM PORTER	CASE NO. 115141037

2016 JAN -5 P 3:09

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE TO OPPOSE GAG ORDER AND OBTAIN ACCESS TO COURT PROCEEDINGS AND RECORDS

The Press Movants,[1] by their undersigned attorneys, hereby submit this Memorandum of Law in support of their motion to intervene in this proceeding, for the limited purposes of (1) opposing, or alternatively clarifying, the Court's statement to the former jury in this matter not to speak about the case; (2) seeking access to any jury viewing that takes place outside the courtroom in the upcoming re-trial in this case; (3) seeking access to all filings previously sealed in this case; (4) seeking prompt access to the full transcripts of the trial and related hearings in this case; and (5) seeking copies of any audio-visual or photo exhibits entered into evidence in any re-trial.

The Press Movants are also filing companion motions to intervene in each of the five other pending cases against police officers in connection with the death of Freddie Gray, which

[1] The Press Movants include the following news organizations: The Baltimore Sun, Bloomberg News, Hearst Stations, Inc. ("WBAL"), ABC News, Associated Press, CBS News, CNN, Fox News, The Guardian, NBC News, Sinclair Broadcast, Inc. ("WBFF"), The Washington Post, The New York Times, The Wall Street Journal, WJZ, WMAR, and the Reporters' Committee for Freedom of the Press. The Press Movants are engaged in gathering news and other information on matters of public concern, including the Freddie Gray incident and the prosecutions of officers involved in the incident, and disseminating it, on various platforms—print, broadcast, cable, internet and mobile devices—to the general public.

seek similar relief as it would apply to those cases. These Movants recognize that some of the issues raised in this Motion are immediately ripe with respect to all six cases, such as the request for access to transcripts of past proceedings in all six cases and potentially the request to unseal filings that might have been sealed in any or all of the six cases. Other issues, such as the restrictions on the Porter jury speaking, access to any jury viewing outside the courtroom, and copies of audio-visual exhibits, will not become ripe with respect to any particular case until trial commences in that case.

For purposes of efficiency, however, this Memorandum of Law will address all of the relief the Press Movants currently seek in all of the trials. The motions in the other cases incorporate by reference the relevant arguments set forth in this Memorandum. Given that all six cases are potentially affected with respect to at least some of the issues raised herein, the Press Movants would have no objection if the Court deems it more efficient to conduct a single hearing in which the State and all defense counsel are present, or prefers to proceed in some other manner. However, given that it is our understanding that the Court may consider at least one of the issues raised in these motions as early as January 6 (the request for the jury in *State v. Goodson* to view the police van), Movants respectfully ask that they be heard as soon as possible.

FACTUAL BACKGROUND

Since this Motion addresses five distinct issues, the facts pertinent to each of them are set forth separately below.

A. A GAG ORDER APPLYING TO DISCHARGED JURORS

As the Court is aware, there have been a number of issues related to gag orders in the cases involving all six of the officers. We briefly lay out the relevant history to explain the context for the relatively narrow issue that is raised in this Motion with respect to any gag order.

In May 2015, the State filed a motion for a broad gag order that would have applied to parties, attorneys, witnesses, and the entire Baltimore City police department for all of the cases against the officers (which at that point had not been severed). On May 27, 2015 all six Defendants filed a joint motion to strike the State's motion, and on May 29, 2015 some of these Press Movants filed a motion to oppose the State's motion. On June 4, 2015, Judge Peters entered an order striking the State's Motion on the grounds that at the time it was filed there was no actual case or controversy pending in this Court. *See* Ex. 1.

Next, on June 15, 2015 the State filed a motion for a Protective Order that would have applied to discovery exchanged in all of the six officers' cases. The Defendants' opposed that motion, and this Court denied it.

Subsequently, on October 14, 2015 this Court entered a more limited gag order in all six cases than the one that the State had initially requested in May. Specifically, this Court entered an order barring extrajudicial statements by the parties and their attorneys, *see* Ex. 2. That Order also provides that any person may seek to vacate or modify it if they believe that circumstances have changed. The Press Movants did not seek to intervene to oppose the entry of that Order. Moreover, while they reserve their rights in this regard, they are not seeking any modification of that Order in this motion.

Next, during the pre-trial proceedings in the Porter case, this Court addressed the somewhat related issue of juror anonymity. On December 2, 2015, this Court entered an Order

stating that the names of the jurors in the Porter trial would not be disclosed publicly "until further Order from the Court." *See* Ex. 3. The Court found that releasing the names of the jurors would risk exposing them to "unwanted publicity or harassment," and would create "a substantial danger that one or more jurors will likely be subjected to improper influence or undue harassment." *Id.* The Press Movants did not seek to intervene to oppose that Order. And here too, while these Movants reserve their future rights in this regard, they are not seeking to vacate or modify that order in this motion.

None of those written orders constrains any juror, once his or her service is completed, from voluntarily talking to the press. Moreover, as noted in the attached articles from *The Baltimore Sun* and *The Washington Post*, *see* Exs. 4 & 5, one or more former jurors are willing to voluntarily talk to the media, including one who has voluntarily identified herself. However, those jurors have not done so because they informed reporters that they were told by this Court not to speak until all six trials have been completed. Thus, the limited purpose of this motion is to address that admonition to the discharged jurors in the Porter case. And to the extent the Court may contemplate issuing any similar admonition or order to jurors in any of the upcoming cases following the completion of their service, these Movants would oppose that as well.

B. THE JURY VIEWING OF THE VAN

On December 3, 2015 in the course of the Porter trial, the jury was taken outside the courtroom to view the van used to transport Freddie Gray. When several reporters present asked to attend that viewing, the Court denied their request and afforded no opportunity to be heard on the matter through counsel. These Movants therefore seek access to any jury viewing outside the courtroom that may take place in any subsequent trial of any of the defendant officers, including specifically in the upcoming *Goodson* trial.

C. ACCESS TO SEALED COURT FILINGS

In the first Porter trial, there appear to be multiple motions and/or other filings that were submitted under seal. *See* Ex. 4; *see also* Ex. 19. In the *Goodson* case, on December 17 the Court issued a series of orders denying several motions to seal various filings on the grounds that, "[t]his Court requested that counsel file any discovery disputes and proposed voir dire under seal," and some of the filings did not fall into those categories. *See, e.g.*, Ex. 6. Movants are unaware of what request(s) those Orders refer to, but seek access to any sealed filings in *Goodson* and any of the other cases against the defendant officers.

D. ACCESS TO TRANSCRIPTS

1. The Movants' Past Requests for Transcripts in This Case

Various media have made a number of requests for transcripts of portions of the proceedings in this case. For example, on October 15, 2015 a CNN reporter asked to purchase a transcript of a pre-trial hearing held on October 13. On December 17, after this Court declared a mistrial in this case, the same reporter inquired again about purchasing transcripts (and/or audio-only CDs) of the proceedings to date in this case. In both cases, the reporter was told that no transcripts could be released until after all proceedings in this case are concluded – *i.e.*, after either an acquittal or sentencing – or even potentially only after all six trials are included (that does not seem to be clear). *See* Ex. 7.

In each case, those requests were denied on the basis of an Administrative Order concerning access to transcripts that was issued by Judge Holland in January 2010, *see* Ex. 8. As a result, these Movants recognize that this Court may conclude that Judge Pierson would be the appropriate judicial officer to hear this particular issue. If so, these Movants would have no objection if this Court were to refer this portion of this motion to Judge Pierson, and hereby

accordingly request a separate hearing before him if this Court does refer it. In the meantime, we set forth below what we believe to be the relevant factual background with respect to this issue regardless of the forum in which it is ultimately heard.

2. **The Background of the 2010 Order Governing Access to Transcripts**

Prior to 2010, any person could order a transcript of any hearing or a day's proceedings in a trial in this Court. The only time constraint on receipt of transcripts was the time it would take the court reporters to produce one, which was determined by the fee paid.

On January 5, 2010 Judge Holland issued an Administrative Order on Transcripts. *See* Ex. 8. The Order provides that no orders for transcripts shall be processed until "a decision, verdict, or judgment has been reached in the case." *Id.* at 2. As the response to the request for transcripts in this case demonstrates, the court has construed that to mean that no transcripts will be available until a final decision or judgment is reached that terminates the proceedings in this court. The Order further provides that when they are eventually released, transcripts "shall contain all information that is allowable under the Rules and shall redact any information, such as bench conferences, upon order of the presiding judge." *Id.*

The Order provides two reasons for its issuance. The first is the assertion that the Maryland Rules do not impose any requirements on trial courts regarding "the timing" of when transcripts of proceedings may be released. *Id.* at 1. The second is that "the release of transcripts could adversely affect deliberations of fact finders or place merely speculative statements before the public prior to verdict or other important phases of court proceedings . . . ." *Id.* The Order contains no explanation for that statement, nor any findings substantiating any examples of where that has ever occurred. Nor does it contain any explanation of why barring

the release of all transcripts for the duration of all cases is an appropriate means of addressing that speculative concern about a hypothetical case.[2]

To Movants' knowledge, no other Circuit Court in the state of Maryland imposes such a policy restricting the release of transcripts (or corresponding audio CDs). For example, the Circuit Courts for Baltimore County, Howard Country, Anne Arundel County, and Montgomery County all offer transcription which may often be expedited (for an additional fee) and received in as little as one day.[3] The only restrictions placed upon the release of transcripts is where there is a corresponding sealing order within the proceeding itself. For example, in Montgomery County "[t]ranscripts can be purchased by the public, including litigants and attorneys, as long as the case has not been sealed (closed to the public) pursuant to a Judge's order." *See* Ex. 11.

3. The Effect of the 2010 Administrative Order

One practical effect of the 2010 Order is that merely by requesting a bench conference, either the court or any party can effectively shield that portion of any proceeding from public access until the entire case is over, or potentially forever. Thus, although the classic function of a bench conference is to permit the court and counsel to briefly discuss matters out of the earshot of the jury and/or a witness – without having to undertake the cumbersome process of excusing

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[2] The events that appear to have led to that policy changing in January 2010 occurred a few weeks before that during the course of the trial of former Mayor Sheila Dixon. During that trial, a WBAL-TV reporter purchased transcripts of some of the proceedings. Based on those transcripts, on November 30, 2009, WBAL aired news reports about some of the bench conferences that had previously occurred in that case. Transcripts of those news reports are attached as Exhibits 9 & 10. There was no evidence or findings that any of those reports had any effect, or by their nature could likely have had any effect, on the Dixon trial.

[3] *See, e.g.*, Baltimore County Circuit Court: http://www.baltimorecountymd.gov/Agencies/circuit/transcriptrequest.html; Howard County Circuit Court: http://www.mdcourts.gov/circuit/howard/transcripts.html; Anne Arundel County Circuit Court: http://www.circuitcourt.org/how-do-i/order-a-transcript; Montgomery County Circuit Court: http://www.montgomerycountymd.gov/circuitcourt/court/TechnicalServices/TechnicalServices.html.

jurors or witnesses every time such a matter arises – they are now routinely used to effectively also shield matters from the public.

For example, during a roughly two and a half hour pre-trial hearing concerning a motion to suppress statements given by defendant Alicia White on October 13, there were ten bench conferences. There was no jury present, and some of those sidebars occurred while witnesses were not testifying. During a November 24 hearing lasting about 45 minutes that involved only counsel, there were four bench conferences lasting a total of roughly 13 minutes. And prior to the Court's decision announcing a mistrial in this case, there was a lengthy bench conference although no members of the jury were present.[4]

E. THE ABILITY TO COPY AUDIO-VISUAL AND PHOTO EXHIBITS

During the Porter trial, some members of the press requested copies of videotape evidence that was played for the jury in that trial. Specifically, on December 3, 2015, during the testimony of Brandon Ross, the State played two videotapes taken from personal cellphone cameras depicting certain events in connection with the arrest of Mr. Gray. All or portions of those tapes, and/or other similar cellphone footage and footage from numerous surveillance cameras, has previously been widely depicted in the media long before the trial even began. *See, e.g.,* Ex. 12 ("Video spotlights Freddie Gray at Baker and Mount streets," *The Baltimore Sun,* May 20, 2015); *id.* Ex. 13 ("Police release CCTV video in Freddy Gray investigation," WBAL, Apr. 25, 2015); *id.* Ex. 14 ("Baltimore police: Freddie Gray died from a 'tragic injury to his spinal cord,'" *The Washington Post*, Apr. 20, 2015); *see also* "New video shows arrest of Freddie Gray in Baltimore," YouTube, *available at* https://www.youtube.com

[4] Since these Movants do not have access to transcripts, they cannot place the transcripts of those proceedings in the record. Movants therefore incorporate by reference any transcripts that have been made of those proceedings, and/or the court's audio-visual recording of those proceedings.

/watch?v=7YV0EtkWyno. In fact, last year the Baltimore police posted footage from at least sixteen surveillance cameras. *See* Ex. 15.

In response to this request, the Court's public affairs liaison, Terri Charles, informed the press that no copying of any exhibits would be permitted. Specifically, Ms. Charles cited paragraphs 12-14 of Judge Pierson's November 30, 2015 Security and Media Protocol Order issued in the Porter case as precluding any copying of such exhibits. *See* Ex. 16. In the event such exhibits are introduced in any of the upcoming trials of the defendant officers, these Movants seek to exercise their presumptive right to copy them. As is discussed in more detail below these Movants do not construe Judge Pierson's November 23 Order (or the more recent corresponding Order issued in the *Goodson* case) as addressing this particular issue, but in the event that it does, they likewise would have no objection if the Court were to deem it more appropriate to refer this particular issue to be heard before Judge Pierson as well.

ARGUMENT

A. THE PRESS MOVANTS HAVE STANDING TO INTERVENE IN THESE PROCEEDINGS.

It is well settled that members of the press and public have a right to intervene in a judicial proceeding for the limited purposes of opposing the closure of court records or proceedings, and imposition of gag orders, and "must be given an opportunity to be heard." *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 609 n.25 (1982); *News American Div. v. State*, 294 Md. 30 (1982) (press has right to intervene to oppose pre-trial gag order); *Hearst Corp. v. State*, 60 Md. App. 651, 657 (1984) ("the press may intervene . . . for the limited purpose of asserting First Amendment rights," even when such intervention occurs after the jury has retired to deliberate).

Indeed, the Maryland courts have long recognized that the right to secure access to criminal trials applies to every stage of the criminal trial. As the Court of Special Appeals noted in *Hearst Corp. v. State*, "[s]imply because a trial may have reached a certain stage does not mean that First Amendment rights are greater or less than at any other stage." *Id.* at 657; *see also Baltimore Sun v. Thanos*, 92 Md. App. 227, 231-32 (1992) (allowing press to intervene to seek access to a presentence report entered into evidence during the penalty phase of a death penalty case); *News American Division v. State*, 294 Md. 30, 44-45 (1982) ("Allowing the press to appear by motion in the criminal case also furnishes the trial court with the benefit of argument by an advocate of First Amendment interests").

The Maryland Rules similarly implement these constitutional procedural rights by providing for intervention as the appropriate means of allowing the press and public to assert their access rights. *E.g.*, Rule 16-1009(a)(1) (permitting any party "including a person who has been permitted to intervene as a party" to move to inspect case records); *see also State v. WBAL-TV*, 187 Md. App. 135, 149 (2009) (under Rule 16-1002(a) and 16-1003, intervention in a criminal trial is appropriate judicial avenue to gain access to court records). The Press Movants thus should be permitted to intervene for the limited purpose of addressing the issues raised by this Motion.

B. THE PRESS MOVANTS HAVE AN AFFIRMATIVE RIGHT TO ACCESS THE INFORMATION AT ISSUE.

As a general matter, the primary reason that the First Amendment protects the public's right to attend court proceedings and review court records is because transparent proceedings are more likely to be fair proceedings, and thus public scrutiny acts as an essential component of ensuring fairness. *See, e.g.*, *Richmond Newspapers v. Commonwealth of Virginia,* 448 U.S. 555, (1980) (right to public trial exists not only for accused, but also for the press and public as a First

Amendment right); *In re Oliver*, 333 U.S. 257, 270-71 n. 24, (1948) (Black, J.) ("The knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power."); *Longus v. State*, 416 Md. 433, 445 (2010) ("The value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed." (citation omitted)). And here, in light of the State's prosecution of public officers for conduct performed in discharging their official duties and the nature of the alleged crimes at issue, it is well recognized that the public's interest in monitoring these proceedings is particularly acute. *See, e.g.*, *Waller v. Georgia*, 467 U.S. 39, 47 (1984) (noting that First Amendment presumption of access to suppression hearings is particularly strong because such hearings routinely "attack[] the conduct of police and prosecutor").

1. Any Admonition to Former Jurors Not to Speak to the Media Once They Are Discharged Is An Unconstitutional Prior Restraint.

The Press Movants fully appreciate the difficult task that confronts the Court in protecting jurors from potential harassment and ensuring fair trial rights in the atmosphere that surrounds these cases. For that reason, while reserving their rights in this regard, they are not now seeking to affirmatively learn the identities of all the former jurors, as some of them have in past high-profile trials in this Court.[5] However, Movants respectfully submit that any gag order, be it formal or informal, which asks or prohibits former jurors from speaking to the press even if they want to goes farther than the First Amendment permits in the circumstances of this case.

[5] For example, after the trial of former Mayor Sheila Dixon a number of these Movants moved for the release of the jurors' names and other identifying information, which Judge Sweeney granted. Several of those jurors also voluntarily spoke to the press once that case ended.

Gag orders are "prior restraint[s]" and thus "carr[y] a 'heavy presumption' of constitutional invalidity." *State v. Cottman Transmission Sys., Inc.*, 75 Md. App. 647, 659 (1988) (citation omitted). First Amendment law also recognizes that court-ordered prior restraints "are the most serious and the least tolerable infringement on First Amendment rights." *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543, 576-77 (2004). That is in part because a prior restraint is "a judicial order directing an individual not to engage in expression, on pain of contempt." *Pack Shack, Inc. v. Howard Cty.*, 138 Md. App. 59, 83 (2001) (citation omitted). *See also Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 559 (1976) ("prior restraints on speech and publication are the most serious and least tolerable infringement on First Amendment rights.").

Maryland courts apply a "two-prong test" to gag order requests, permitting them only "1) if the party seeking the order can establish that the speech to be restrained poses a 'serious and imminent threat' of interference with the fair administration of justice, . . . and 2) the order is 'tailored as precisely as possible to the exact needs of the case.'" *Keene Corp. v. Abate*, 92 Md. App. 362, 371 (1992). *Keene* traced this requirement to the Court of Special Appeals' decision in *Journal Newspapers v. State*, which vacated a gag order (once a movant establishes "the need for *any* restriction . . . the [trial] court [should] proceed to look at the alternative methods of implementing the restriction, choosing always that or those which will do the job in the least intrusive and onerous manner"). 54 Md. App. 98, 110 (1983) (emphasis in original). *Keene* further emphasized that before imposing a gag order, a court must also explore whether "steps short of the prior restraint in question, such as careful instructions to the jury or even sequestration, could be taken" to ameliorate the effects of potential pre-trial publicity. 92 Md. App. at 373.

Many courts around the country have held that post-trial gag orders on jurors do not satisfy these constitutional requirements. *See, e.g.*, *In re Express-News Corp.*, 695 F.2d 807 (5th Cir. 1982) (local rule prohibiting any person from interviewing any juror concerning the deliberations or verdict of the jury, except by leave of court, was unconstitutional as applied to interviews proposed by newspaper and its reporter); *State ex. rel. Cincinnati Post v. Ct. of Common Pleas of Hamilton Cty.*, 570 N.E.2d 1101(Ohio 1991) (post verdict order prohibiting juror communication about capital case is overbroad violation of First Amendment); *see also Sullivan v. Nat'l Football League*, 839 F. Supp. 6 (D. Mass. 1993) (newspaper had right of access to names of jurors in civil action, but each juror may refuse any interview request and no further attempt to seek interview from the juror is permitted if the juror indicates wish not to be interviewed). Similarly, in *United States v. Sherman*, 581 F.2d 1358, 1360 (9th Cir. 1978), the Ninth Circuit held that after a trial court "forbade the jurors from discussing the case further with anyone . . . and . . . ordered everyone, including the news media, to stay away from the jurors," the Ninth Circuit reversed, noting that the order was a prior restraint with "a heavy presumption against its constitutional validity." *Id.* at 1361.

Given that the first Porter trial has now concluded, many of the concerns that are typically invoked to protect jurors, such as the need to protect the sanctity of jury deliberations or a juror's right to privacy and to be free from harassment, have no application with respect to any former juror that is willing to speak to the press. Moreover, any lingering concerns over those issues may be accomplished by lesser means, such as instructing discharged jurors that if they do wish to speak to the press they should not disclose the identities of any of the other jurors.

Presumably, the only other reason the Court may have asked former jurors not to speak was that the trials of other defendant officers (and the re-trial of Officer Porter) remain pending.

But as the Court is aware, there has already been a wealth of publicity surrounding these cases, including massive coverage of the first Porter trial, and the Court has already made the determination that the defendants can receive a fair trial in Baltimore. Nor is there any reason to speculate or assume that anything a single juror might have to say about his or her personal views would be particularly or uniquely inflammatory, or that it would be of more interest to the State or the defense.

Therefore, there is no basis to conclude that permitting former jurors to exercise their free speech rights will itself constitute a "serious and imminent threat" of interference with justice, or would present such a unique and omnipresent danger that it cannot be addressed along with all the other pre-trial publicity issues presented by these cases through careful *voir dire*. That is all the more so now that it has been determined that any re-trial in the Porter case is at least six months away. For these reasons, the Press Movants respectfully request that the Court clarify this matter and declare that any former juror in this case who wants to talk is not constrained from speaking. Movants further request that no similar instruction not to speak be given to any of the jurors in any of the upcoming trials once they are discharged.

2. **The Press Movants Have a Right to Attend Jury Views.**

As virtually every case we are aware of to address this issue has recognized, a jury view that takes place outside the courtroom is deemed by the law to be no less an integral part of a trial than the proceedings that take place in court. Therefore, the presumption in favor of openness equally applies to jury views. For example, in *State ex rel. Cincinnati Enquirer v. Bronson*, 945 N.E.2d 551 (Ohio Ct. App. 2010), a jury was going to view the scene of a crime that took place in a private home. The trial judge permitted the press to stand and watch from a distance, but could not enter the home while the jury was there. The trial judge also declined to

afford the press a hearing on the issue. The Ohio Court of Appeals held that the same First Amendment right to attend court proceedings applies to jury views, and thus it was error for the trial judge to restrict press access without holding a hearing and making specific findings as to why the presumption of openness could be overcome, if at all. *Id.* at 555. Although the court did not decide whether, in that particular case, the court was required to provide the media access inside the home itself, the court recognized that the right to a public trial extends to a jury view. Similarly, in *People v. Unger*, 2006 WL 4719456 (Trial Order) (Mich. Cir. Ct. May 3, 2006), a Michigan appellate court reversed a trial judge's decision to bar media access to a jury's viewing of a murder scene, ordering that "media may follow Court Party [and jury] to view scene of murder on private property, but must remain at least 150 feet behind Court Party." *See also Pennsylvania v. Murray,* 502 A.2d 624 (Pa. Super. Ct. 1985), *appeal denied,* 523 A.2d 1131 (Pa. 1987) (holding in the Sixth Amendment context that conducting preliminary hearings within prison, where the public was denied access, rather than in a courtroom open to the public, constituted a violation of defendant's constitutional rights); *In re Will of Johnson,* 12 Med. L. Rptr. 1973 (N.Y. Sur. Ct., N.Y. County 1986) (court refused to permit jury view of decedent's home "unless reasonable access to members of the public is permitted") (attached hereto as Ex. 17).

The same result should follow in these cases. Importantly, it is immaterial whether the van is treated as an item of evidence or a formal exhibit, because what triggers the right of access is the jury view itself as an element of the trial proceeding. To be sure, as the above cases also illustrate, the court may place reasonable time, place and manner restrictions on public attendance at a jury view depending on the logistics involved. But such conditions, if they are necessary, cannot be so restrictive that they effectively eliminate any right of access at all.

In addition, if in the future any of the parties or the Court wish to close any portion of the proceedings, including a jury view, there must be specific factual findings that the public's right to access is overridden by a compelling state interest that cannot be protected by alternative means. *Baltimore Sun Co. v. Colbert*, 323 Md. 290, 302 (1991) (the "presumption that pretrial proceedings are open to the public can be overcome only by an 'overriding interest,' such as an accused's right to a fair trial"). Moreover, before any closure may be effected, notice and an opportunity to be heard must be provided to the press and public. *Id.* at 300 (notice of closure "must be docketed in advance of the time of the hearing to provide notice to afford an opportunity to oppose," as well as "to present alternatives to closure. The court should provide individuals opposing closure an opportunity to object and to state the reasons for that opposition before ruling on the closure motion").

3. **<u>The Press Movants Have a Presumptive Right of Access to Court Filings</u>**

Multiple sources of law provide that the press and public have a right of access to court records such as motions filings, and also provide procedures that must be followed before court filings may be sealed. Essentially, both the applicable substantive and procedural rights are the same as those that govern the closure of judicial proceedings.

First, the First Amendment and the common law require that court records be presumptively open. *In re Washington Post Co.*, 807 F.2d 383, 390 (4th Cir. 1986); *Thanos*, 92 Md. App. at 233-34. "In order for the trial court to deny the news media access to a criminal trial or criminal case file, the denial must be no broader than necessary to meet a clearly articulated compelling State interest." *Hearst*, 60 Md. App. at 658.

Similarly, the Maryland Rules provide that "[c]ourt records maintained by a court or by another judicial agency are presumed to be open to the public for inspection" – period. Rule 16-

1002(a). They make clear that "[e]xcept as otherwise provided by or pursuant to the Rules in this Chapter, the custodian of a court record shall permit a person, upon personal appearance in the office of the custodian during normal business hours, to inspect the record." *Id.* Records that would otherwise be subject to inspection may only be sealed where "a special and compelling reason exists to preclude or limit inspection of the particular case record." Rule 16-1009(d)(4)(A). Moreover, where such a reason is found any sealing order "shall be as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order." Rule 16-1009(d)(3).

To ensure that substantive rights of access are adequately protected, both the First Amendment and Maryland law require strict procedures that must be followed before any records are sealed. First, a court must provide "notice of counsel's request to seal, and an opportunity to object to the request before the court ma[kes] its [final] decision." *Colbert,* 323 Md. at 305. A motion to seal "should be docketed reasonably in advance of the request if practicable." *Id.* The party who seeks sealing has the burden of persuading the court that "the interest sought to be protected" requires that the report or portions of it, although in evidence, should be sealed. *Id.* at 306. When ruling on a motion to seal, a court must then "articulate the interest sought to be protected by the seal, supported by specific findings." *Id.* at 305-06. The Maryland Rules further require "an opportunity for a full adversary hearing" prior to the entry of any sealing order. Rule 16-1009(d)(1). Finally, these procedural requirements "appl[y] with equal force and effect to judges" who may *sua sponte* decide to seal certain aspects of a court file. *Hearst*, 60 Md. App. at 658.

In both the *Porter* and *Goodson* cases, it would appear that these procedures were not followed. Moreover, it would appear very unlikely that a "compelling" state interest exists that

could support the wholesale sealing of entire categories of motions such as "discovery disputes." Movants therefore seek access to any sealed filings in this case, and further request that the requisite procedures be followed before any additional final sealing orders are entered in any of the pending cases against the defendant officers.

4. The Press Movants Have A Presumptive Right Of Prompt Access To Transcripts.

Next, the Court's policy of refusing to release trial transcripts until after all proceedings have concluded is virtually unique in our experience. This blanket policy is plainly unconstitutional, both on its face and as applied to these proceedings. Nor is the policy consistent with the requirements of the applicable Maryland Rules.

Turning first to the Maryland Rules, the Court's 2010 Administrative Order appears to recognize that official transcripts of court proceedings are case records that are subject to Rules 16-1001 through 16-1011. That is so. For example, Rule 16-1006, which sets forth certain case records that may not be released, lists transcripts of closed court proceedings as one such record. *See* Rule 16-1006(i). However, the Administrative Order states that those rules do not speak to the timing of when transcripts should be released. Respectfully, that is incorrect, both with respect to court records in general and transcripts in particular.

First, as previously noted the fundamental requirement of those rules is that court records "are presumed to be open to the public for inspection" – period. Rule 16-1002(a). Similarly, they make clear that the custodian of a court record "shall permit a person, upon personal appearance in the office of the custodian during normal business hours, to inspect the record." *Id.* If the premise of the 2010 Administrative Order that the Rules do not speak to the timing of access was correct, the same Rules would grant discretion to circuit courts to close the entire court file of all records in any case until the case is over. That is clearly not so.

In any event, the applicable rules do not contain any exception for transcripts, and indeed the only way they treat them differently from other court records is that they authorize the Court of Appeals to set the fees and other related matters that may be required depending on the amount of time needed to prepare an original transcript. *See* Rule 16-404(b). To that end, in 2005 the Court of Appeals issued an Administrative Order which provides, among other things, that "a court reporter shall begin work on a transcript *immediately* after receiving a written request and shall deliver the completed transcript to the appropriate clerk or register." *See* Ex. 18 (emphasis added). Thus, the Court's 2010 Administrative Order – which expressly directs its court reporters not to process written requests received from any member of the public until after a case is over – directly and impermissibly contravenes this directive.

Finally, even if the Court of Appeals had not already addressed this question, as previously discussed, the applicable Rules provide that consistent with the presumption of openness, any order limiting access to case records—which may only be made after notice is given and an opportunity provided for interested parties to oppose closure—requires a "special and compelling reason" and must be "as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order," Md. Rule 16-1009(d)(3). No notice or opportunity to be heard was afforded prior to the issuance of the 2010 Order, and the only substantive reason it offers is the pure speculation that "the release of transcripts could adversely affect deliberations of fact finders or place merely speculative statements before the public prior to verdict or other important phases of court proceedings." The Order provides no explanation, nor could there be any, for why the release of all transcripts in every case presents such concerns given that all the underlying court proceedings and records are presumptively open. Such a

blanket policy singling out transcripts therefore does not present a "special and compelling reason," nor is it "narrow . . . in scope and duration."

For the same reasons, the 2010 Administrative Order also violates the First Amendment. The First Amendment and the common law require that court records be presumptively open. *In re Washington Post Co.*, 807 F.2d 383, 390 (4th Cir. 1986); *Thanos*, 92 Md. App. at 233-24. Blanket policies denying access to entire categories of records or proceedings are rarely constitutional even as applied to more extreme and sensitive situations, such as the testimony of a child victim of sexual abuse. *See Globe Newspaper v. Superior Ct.*, 457 U.S. 596 (1982). Moreover, as a general matter the law recognizes the principle that the right of access is a right to contemporaneous access, and so to materially delay access is to effectively deny it. *See, e.g.*, *CBS, Inc. v. Davis*, 510 U.S. 1315, 1317 (1994) (Blackmun, J., in chambers) ("'each passing day may constitute a separate and cognizable infringement of the First Amendment.'") (quoting *Nebraska Press Ass'n*, 423 U.S. 1327, 1329 (1975) (Blackmun, J., in chambers)); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126-27 (2d Cir. 2006) ("'loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury'") (citation omitted); *United States v. Simone*, 14 F.3d 833, 842 (3d Cir. 1994) (ten-day delay in release of transcript of closed hearing violates right of access); *U.S. v. Brooklier*, 685 F.2d 1162, 1172-73 (9th Cir. 1982) (delaying release of transcript of closed suppression hearing until end of trial violates right of access).

Furthermore, the public's right to judicial records also extends to transcripts that include sidebar and bench conferences, since they too are part of the record. Indeed, the 2010 Administrative Order appears to recognize that transcripts, once they are released, would normally include bench conferences unless the presiding judge were to expressly order

otherwise. Other courts have likewise recognized that the public's right of access to transcripts should presumptively include bench conferences, unless there is a constitutionally sufficient reason to redact a particular bench conference. For example, in *United States v. Smith*, the U.S. Court of Appeals for the Third Circuit affirmed a lower court ruling that granted a newspaper's request to unseal transcripts of evidentiary bench conferences in a federal criminal trial involving the bribery of a high-ranking Pennsylvania official. 787 F.2d 111 (3d Cir. 1986). In *Smith*, the judge unsealed transcripts of the bench conferences the morning following the sidebars at issue. *Id. See also Copley Press, Inc. v. Superior Court*, 2003 WL 21055100, at *7 (Cal. Ct. App. May 12, 2003) (unpublished) (delaying access for a "relatively short period of time until the transcripts have been prepared in the ordinary course" not unreasonable); *United States v. Valenti*, 987 F.2d 708, 715 (11th Cir. 1993) (no error in district court's conducting closed bench conference "where the court later allowed the press an opportunity to be heard on the release of the transcripts to the closed proceedings within a reasonable time").

As the above cases also demonstrate, on a conference-by-conference basis there may be valid reasons for continuing to seal portions of a transcript that contains a particular bench conference. But if so, the court must first determine that a compelling reason exists to keep it sealed and that there is no other more narrowly tailored solution. This standard governs any decision to seal, either permanently or temporarily, portions of a proceeding or the record. *Id.*

However, the across-the-board policy articulated by the 2010 Administrative Order effectively enables any party, or the Court, to close the courtroom merely be requesting a sidebar, and to keep that portion of a proceeding sealed for the duration of the case. But simply because a bench conference is held does not necessarily mean that its subject-matter could not be made part of the public record, or that any danger would be posed by releasing transcripts of

such conferences in the normal course of business. As one court has explained, "shifting portions of the proceedings to a bench conference or an in camera proceeding to escape the open-trial right goes beyond the historically accepted uses of these proceedings and is unconstitutional." *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1215, 980 P.2d 337, 363 (1999) (citation omitted). *See also Rovinsky v. McKaskle,* 722 F.2d 197, 201 (5th Cir. 1984) (reviewing court finding use of closed chambers sessions invalid under First Amendment where trial court heard various motions *in limine* with no reason for holding the proceedings in closed chambers and made no record providing a basis for the practice).

These Movants have no way of knowing whether that is true with respect to any particular bench conference held in this case, but the Court's 2010 Administrative Order impermissibly precludes that inquiry from even being made until after a case is completed – delaying access for at least a year or more in some cases. Just by way of example, it seems unlikely that every one of the fourteen bench conferences that were held on October 13 or November 24 even needed to be sidebars given that there was no jury present, in some instances no witnesses present, and many of those conferences were initiated by counsel for one of the parties.

To be sure, the Press Movants are not arguing that courts should not hold bench conferences, or that members of the press or public have a right to be physically present at or to listen into bench conferences as they occur. That would be both be absurdly impractical, and as noted above there may be some situations in which it would be permissible to permanently or temporarily redact transcripts when they are provided to the public. Rather, these Movants merely ask that requests for transcripts be processed promptly in the normal course of business, as the Court of Appeals has directed. Moreover, should the Court find a compelling need for

non-disclosure of any parts of a transcript such as a particular bench conference, any redactions should be no more extensive than necessary to satisfy that need consistent with constitutional requirements.[6]

5. Maryland Law Provides A Presumptive Right To Copy Trial Exhibits.

Finally, in the Porter trial the Court appears to have instituted a blanket policy of barring the press from obtaining copies of any trial exhibits. This policy was also not consistent with the Maryland Rules, and Movants respectfully request that it be changed in the upcoming trials, including any re-trial in this case.

a. Copying Trial Exhibits May Only Be Restricted For a "Special and Compelling Reason."

Rule 16-1002(c) specifically provides that court records consisting of trial exhibits are presumptively open for public inspection, even if they fall into one of the categories of court records that must be sealed. Moreover, the right to "inspect" the record explicitly includes the right to copy it. Md. Rule 16-1003(a) ("Except as otherwise expressly provided by law, a person who is entitled to inspect a court record is entitled to have a copy or printout of the court record."). Taken together, the Rules thus highlight that the presumption of access is especially strong with respect to trial exhibits, including the right to a copy of them.

The Court of Special Appeals has thus held that the press have a presumptive right to a copy of audio-visual trial exhibits pursuant to these Rules, which can only be overcome by a "special and compelling reason." *State v. WBAL-TV*, 187 Md. App. at 156 ("Rules 16-1001, *et seq.*, clearly reflect the common law presumption of the openness of court records that, as a general rule, can only be overcome by a 'special and compelling reason'" (quoting Rule 16-

[6] The same access principles should apply to public viewing of the court's audio/video recordings of trial proceedings.

1009(d)(4)(A)). And as with any question of access under these Rules, any order limiting access to case records can be made only after notice is given and an opportunity provided for interested parties to it. Such an order must be "as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order," and must reflect a "special and compelling reason." Md. Rule 16-1009(d)(3) & (4)(A).

b. The Press Movants Are Entitled to Copies of the Trial Exhibits.

The only basis for declining to permit copying of exhibits that was relayed to the press or their counsel was Judge Pierson's November 30 Security/Media Protocol Order. These Movants do not understand that Order to preclude the Court from providing copies of audio-visual or photo trial exhibits. Rather, paragraphs 12-14 of that Order appear to preclude the press from bringing cameras into the courtroom to photograph or film physical exhibits as they are displayed by the court post-trial. That is not what this motion seeks to do; rather, the motion seeks the right to obtain copies of exhibits like photographs or audio-visual footage that are readily capable of being copied. Movants do not interpret Judge Pierson's Order to address that issue, but if it does any such blanket restriction would be in conflict with both the substantive and procedural requirements of the "special and compelling reason" standard articulated above by the Maryland Rules, which must be applied to each exhibit on an exhibit-by-exhibit basis.

Applying that standard here, there would appear to be no compelling reason to generally deny access to copies of the kind of exhibits that were introduced in evidence in the Porter case. Material such as video of Freddie Gray being placed in the police van has already been widely discussed and circulated by the public and in the press. That weighs heavily against any restriction on access rights. *See In re Charlotte Observer*, 882 F.2d 850, 854 (4th Cir. 1989) (once the "genie was out of the bottle" as a result of previous court proceedings and press

coverage, any case for closure becomes even weaker); *see also id. at* 855 ("[w]here closure is wholly inefficacious to prevent a perceived harm, that alone suffices to make it constitutionally impermissible") (citing *Globe Newspaper Co. v. Superior Court,* 457 U.S. 596, 609-10 (1982)). For those reasons, courts around the country, including those confronting separate trials of multiple defendants in high-profile cases, have declined to restrict the press's right to copy audio-visual exhibits.

For example, two federal courts of appeal reversed trial court decisions denying access to copy the notorious undercover ABSCAM tapes played at the trials of those defendants. *See In re Nat'l Broad. Co.*, 653 F.2d 609, 612 (D.C. Cir. 1981) (hereinafter "*Jenrette*") ("[I]t is now settled that the right [to inspect and copy judicial records] extends to records which are not in written form, such as audio and video tapes.") (footnotes omitted); *In re Nat'l Broad. Co.*, 635 F.2d 945, 950 (2d Cir. 1980) (hereinafter "*Myers*"). The Second Circuit explained that:

> Though the transcripts of the videotapes have already provided the public with an opportunity to know what words were spoken, there remains a legitimate and important interest in affording members of the public their own opportunity to see and hear evidence that records the activities of a Member of Congress and local elected officials, as well as agents of the Federal Bureau of Investigation. And there is a significant public interest in affording that opportunity contemporaneously with the introduction of the tapes into evidence in the courtroom, when public attention is alerted to the ongoing trial [citations omitted]. When physical evidence is in a form that permits inspection and copying without any significant risk of impairing the integrity of the evidence or interfering with the orderly conduct of the trial, only the most compelling circumstances should prevent contemporaneous public access to it.

Id. at 952 (footnote omitted). *See also United States v. Millington*, No. 89-3169, 1989 WL 128054 (D.C. Cir. Oct. 6, 1989) (*per curiam*) (summarily affirming order to release videotape); *In re American Broad. Cos.*, 537 F. Supp. 1168, 1173 (D.D.C. 1982) (press has a right to copy tapes of conversations between John Hinckley, Jr. and Jodie Foster that were admitted into evidence); *United States v. Guzzino*, 766 F.2d 302, 303-04 (7th Cir. 1985) (reversing as abuse of

discretion trial judge's refusal to permit media intervenors to copy audiotapes admitted in evidence at trial); *United States v. Criden*, 648 F.2d 814, 829-30 (3d Cir. 1981) (reversing district court's order denying media intervenors' application to copy video and audio tapes admitted in evidence and played in open court).

Moreover, those cases have also recognized that material that has already received wide circulation is particularly unlikely to create any significant risk of prejudice, either to a current trial or to future trials of other defendants accused of involvement in the same crimes. *See, e.g.*, *United States v. Mitchell*, 551 F.2d 1252, 1262 (D.C. Cir. 1976), *rev'd on other grounds sub nom. Nixon v. Warner Communications*, 435 U.S. 589 (1978) (since "transcripts of these conversations have received wide circulation and have been reenacted in various forums," and "presumably will be replayed at any retrial," no material danger would likely be posed even if a juror in a subsequent retrial first heard the tapes through the news media); *Jenrette*, 653 F.2d at 615 ("Protecting the rights of [defendants] in the event of new trials is a perfectly valid consideration, but our decision in *Mitchell* makes it clear that restricting the common law right to inspect and copy judicial records is rarely the proper protection."); *Myers*, 635 F.2d at 934 ("We do not believe the public at large must be sanitized as if they would all become jurors in the remaining Abscam trials."); *United States v. Abegg*, 1993 WL 246145, at *3 (S.D. Fla. Mar. 18, 1993) (rejecting as "simply too speculative" defendant's concern that publication of video and audio tapes admitted in evidence at trial would undermine his chances of seating an impartial jury in another case against him).

The nature of the exhibits introduced in the Porter trial was thus quite different from what the Court of Special Appeals found in *Group W Television v. State*, 96 Md. App. 712 (1993). In that case, the videotape exhibit at issue had never been broadcast publicly and the court found it

to be a uniquely "sensational image" of the defendants allegedly stalking a mother and her young child shortly before the mother's murder. *Group W* was in any event decided prior to the stricter "special and compelling reason" standard that was adopted in 2005 by the current Maryland Rules, but its analysis further underscores why the exhibits at issue here are unlikely to trigger similar concerns. The issue here is not whether the public will be exposed to this type of material – it already has been and continues to be – but rather it is merely whether the prosecution's choices about what aspects of this material to present in court may be conveyed as accurately as possible in news reports.

CONCLUSION

For the foregoing reasons, the Press Movants respectfully ask the Court to enter an order granting them leave to intervene in these proceedings for the limited purpose of seeking an order vacating the Court's post-trial gag order on former jurors; permitting the press to attend any future jury view; unsealing any sealed filings; directing the Court's court reporters to process orders for transcripts of these proceedings in the normal course of business; and permitting the press to obtain copies of audio-visual and photo exhibits.

Respectfully submitted,

Nathan Siegel
Shaina J. Ward
Levine Sullivan Koch & Schulz, LLP
1899 L Street, NW, Suite 200
Washington, D.C. 20036
202-508-1184 (phone)
202-861-9888 (fax)
nsiegel@lskslaw.com

Attorneys for the Press Movants

EXHIBIT 1

IN RE:	*	**IN THE**
CAESAR GOODSON, *et al.*	*	**CIRCUIT COURT**
	*	**FOR BALTIMORE CITY**
	*	**Misc. No. 950**

* * * * * * * * * * * * *

ORDER

Upon consideration of the State's Motion for Issuance of Order Barring Extrajudicial Statements, the Motion to Strike and Vacate State's Motion for Issuance of Order Barring Extrajudicial Statements, and the Motion to Intervene and Oppose the State's Motion for Issuance of Order Barring Extrajudicial Statements, it is this 4th day of June 2015,

FOUND that the State's Motion for Issuance of Order Barring Extrajudicial Statements was not filed in connection with any case or controversy pending in this Court[1]; and, therefore, it is

ORDERED that, as there is no case or controversy pending in the above-captioned matter[2], the State's Motion for Issuance of Order Barring Extrajudicial Statements is **STRICKEN**.

CHARLES J. PETERS
Judges Signature Appears
On Original Document Only

Judge Charles J. Peters

TRUE COPY
TEST

LAVINIA G. ALI

cc: Antonio Gioia, Esquire
Deputy State's Attorney

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[1]The State's Motion was filed on May 14, 2015. Since that date, Caesar Goodson, Garrett Miller, Edward Nero, William Porter, Brian Rice, and Alicia White have been indicted in Criminal Case Nos. 115141032-37.

[2]Pursuant to Rule 4-201, a criminal "offense shall be tried only on a charging document," and pursuant to Rule 2-101, "[a] civil action is commenced by filing a complaint with a court." No such pleadings have been filed in the above-captioned matter.

EXHIBIT 2

RECEIVED

2015 OCT 14 PM 4:04

CIRCUIT COURT
BALTIMORE CITY
CRIMINAL DIVISION

STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
WILLIAM PORTER	*	Case No. 115141037

* * * * * * * * * * * * *

ORDER

On May 14, 2015, this Court received the State's Motion for Issuance of Order Barring Extrajudicial Statements.[1] On September 29, 2015, this Court received the Defendant's Motion for Reconsideration of the Denial of Motion for Removal and Request for Hearing.[2] The Defendant's motion noted his concern for the accumulation of pretrial publicity, including the disclosure of evidence not in the public record, and the effect of such on the voir dire process and his right to a fair trial.

For good cause shown, the court hereby finds that:

1. This case has generated extensive local, national, and international publicity, in both print and broadcast media, as well as social media. This coverage is expected to continue throughout, and until the conclusion of, these proceedings.
2. There is a substantial likelihood that certain forms of publicity, such as extrajudicial statements by the parties involved in this case to members of the

[1] The State's motion was stricken in an order dated June 4, 2015 because the motion was not filed in conjunction with any pending case or controversy.
[2] Defendant's motion was denied without a hearing on October 2, 2015.

press or media, could impair the rights of the Defendant, the State, and the public to a fair trial by an impartial jury.

3. To protect that right to a fair trial, it is necessary for this Court to take limited steps to restrain all parties from making statements to the press and media.
4. The limited protective order contained herein is expected to ensure a fair trial, and measures less restrictive than this order would not be expected to achieve that result.

Accordingly, it is hereby ORDERED that:

1. This order is binding on the Defendant, all attorneys for the Defendant and the State, and on all employees, representatives, or agents of such attorneys. It shall remain in force until the conclusion of this case or until further order of this Court.
2. No person covered by this order shall make or issue any extrajudicial statement, written or oral, concerning this case for dissemination by means of public communication.
3. Counsel are reminded of their ethical duties and obligations as set forth in the Maryland Rules of Professional Conduct, Rule 3.6, Trial Publicity.
4. No person covered by this order shall avoid or circumvent its effect by actions that indirectly, but deliberately, bring about a violation of this order.
5. If any person believes that events have occurred that should result in a modification of this order, such person may seek relief from the court.

6. The prohibition on making extrajudicial statements applies to the reposting or republication of any statements made prior to the entry of this order that would now constitute a violation of this order.
7. Nothing in this Order shall be construed to limit any rights of the media or the public pursuant to the First Amendment or to limit public access to court proceedings as allowed by statute, rule, or court order.

It is so ordered this 14 day of October, 2015.

Judge Barry G. Williams
Judge's Signature appears on the original document

BALTIMORE CITY

Clerk, please mail copies to the following:
Gary Proctor, Attorney for William Porter
Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City

EXHIBIT 3

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY
2015 DEC -3 A 9:21

STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR CRIMINAL DIVISION
v.	*	BALTIMORE CITY
WILLIAM PORTER	*	Case No. 115141037

* * * * * * * * * * * * *

ORDER

This Court is concerned about the impact that extensive publicity could have on the Defendant's right to a fair trial, the State's right to a fair trial, and the ability of this Court to ensure that the five remaining cases yet to be tried before this Court receive the same constitutional protections.

This Court is aware of the history of the publicity and intense media scrutiny surrounding this case. Based on this history, this Court expects such publicity to continue throughout the course of this trial and the remaining five trials.

This Court has taken into account the publicity and surrounding circumstances and given the parties the opportunity to be heard, and finds by clear and convincing evidence that the disclosure of names of the jurors in this case creates a substantial danger that one or more jurors will likely be subjected to improper influence or undue harassment. Due to the extensive publicity in this case, including numerous articles and reports at the local, national, and international level, it is highly likely that without a Court order, this publicity would enhance the possibility that jurors' names would become public and expose them to unwanted publicity or harassment.

Based on this finding, pursuant to Maryland Rule 4-312, it is this 2nd day of December, 2015, by the Circuit Court for Baltimore City, hereby

ORDERED that the jurors are to remain anonymous and their names are not to be disclosed to anyone other than the judge, court staff, counsel, and the defendant until further order from the Court.

Judge Barry G. Williams
Judge's Signature appears on the original document

BARRY G. WILLIAMS
JUDGE, CIRCUIT COURT FOR
BALTIMORE CITY

Clerk, please mail copies to the following:
Joseph Murtha, Attorney for William Porter
Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City

EXHIBIT 4

Jurors asked not to talk, documents filed under seal in Freddie Gray case

Baltimore Circuit Judge Barry Williams (Maryland State Archives)

By **Kevin Rector and Justin Fenton · Contact Reporters**
The Baltimore Sun

JANUARY 2, 2016, 7:45 PM

Judge Barry G. Williams has taken extraordinary steps to limit the information that becomes public in the criminal case against six Baltimore police officers charged in the arrest and death of Freddie Gray, including asking jurors not to talk about the first trial even after he declared a mistrial.

Reached by The Baltimore Sun, attorney Susan Elgin confirmed that she had served as a juror in the trial of Officer William G. Porter. After the 12 jurors deadlocked, she said, Williams asked them not to discuss the case with the news media.

"I would very much like to talk about my experience as a juror," said Elgin, a family law attorney who has served as chair of the Maryland Commission for Women. "However, Judge Williams asked the jurors not to discuss our service with the press. I want to honor that request and respect the process."

The judge's request was one of several steps taken to limit the public release of information in the case.

While legal experts say judges have wide latitude to control court proceedings and the flow of information, there are constitutional restrictions on that power. It is a delicate balancing act to ensure a fair trial for the defendant and to be transparent enough that the public is assured that justice is served, experts said.

The Porter case garnered intense media attention. The jurors were kept anonymous, and during the trial they were instructed not to discuss the case with friends, family or each other.

After court proceedings conclude, jurors typically are free to talk to anyone. Some jurors in high-profile cases have endeavored to write books about their experiences, including one of the six anonymous Florida jurors who voted to acquit neighborhood watch coordinator George Zimmerman in the 2012 shooting death of Trayvon Martin, an unarmed 17-year-old black youth.

Other jurors in the Porter case have remained anonymous.

In addition to his request for juror silence, Williams has sealed a number of court filings.

While judges frequently shield filings from public view for a variety of reasons, including to protect the safety of a witness, it can be difficult to discern why Williams took such a step in the Porter case.

Sealed filings should be noted in the public court file, according to legal experts. But notice of some sealed documents never appeared on the website specifically set up by the judiciary to post filings and other updates about the Gray case.

References to more than a dozen were discovered by The Baltimore Sun during a review of an antiquated court docket system on a terminal in the corner of a court clerk's office. That system is rarely accessed by the public.

The public also can access the hard-copy file in Porter's case, but that has been unavailable for review at the clerk's office since before the trial began on Nov. 30. A court clerk said the file has not been returned since it was taken by the judge for Porter's trial.

A defendant has an explicit right to both a public trial and an impartial jury under the Sixth Amendment. Courts also have interpreted the First Amendment as guaranteeing the public and the press access to most aspects of criminal trials, said Jocelyn Simonson, an assistant professor at Brooklyn Law School and former public defender, who writes often about issues of public participation and access to courts.

"It's a genuine battle," Simonson said. "I don't think it's absurd for a judge to be sealing things sometimes, but as a public, what we want to be assured of is that there's a careful assessment on a case-by-case basis, and not a blanket assessment."

In high-profile cases, that balancing act can be more difficult — and even more important to get right, experts say.

Williams declined through a spokeswoman to be interviewed. When asked about the judge's instruction to jurors and the process for sealing documents, spokeswoman Terri Charles said: "Judges are not able to comment on their cases, so he will be unable to speak about this."

Other steps were taken to control the information released publicly. In October, weeks before Porter's trial, Williams issued a gag order barring prosecutors and the officers' defense attorneys from discussing the case.

Part of jury selection in the Porter case was conducted behind closed doors. And many discussions among Williams, prosecutors and Porter's defense team during court proceedings were conducted at the judge's bench under the cover of white noise, even when jurors were not present.

Maryland law bars electronic and recording devices in the courtroom, so the proceedings could not be televised. Administrative Judge W. Michel Pierson also banned reporters from conducting interviews inside the courthouse.

And sheriff's deputies tightened security procedures in and around the building, with one deputy telling a Sun reporter and a photographer that they could not take pictures of the courthouse from across the street.

Gray, 25, suffered a severe spinal injury while being transported in police custody on April 12, and his death a week later led to widespread protests against police brutality. On the day of Gray's funeral, rioting, looting and arson broke out.

Baltimore State's Attorney Marilyn J. Mosby's decision to charge the six officers, nationally televised by media already in town to cover the unrest, played out amid a national dialogue about police accountability. The officers face a range of charges, including misconduct, assault and manslaughter. All have pleaded not guilty.

"Public trials are especially important in high-profile cases like this," said Erwin Chemerinsky, dean of the University of California, Irvine School of Law and an expert in constitutional law. "There needs to be a public trial as a way of protecting the defendant's rights, but there also needs to be a public trial in order for the public to be sure that justice is done."

Simonson said Williams' request that jurors not discuss the case was "very unusual" but not unprecedented. She said trying to limit what they say "could be a valid approach if there's a chance of it infecting jurors" in the subsequent trials in the case.

"That's the only legitimate reason," she said. "Beyond that, I think it would be completely inappropriate to ask the jury not to speak."

Officer Caesar R. Goodson Jr., the driver of the van in which Gray was transported, will be the second officer to stand trial beginning Jan. 11. He faces the most serious charge of second-degree depraved-heart murder.

His attorneys have asked that the trial be moved out of Baltimore, arguing that it will be impossible to seat an impartial jury in the city. Williams denied such a request from Porter.

Simonson said judges also might have compelling reasons for sealing documents and other information, but that not providing notice of such a decision would be inappropriate.

She said the failure to post notice could be an administrative mistake, but "at a certain point, dragging your feet becomes a violation of the First Amendment."

The notice is important because outside parties, including the press, may object and seek to intervene, experts say. The defense and prosecution would be privy to all filings, sealed or not.

Chemerinsky said it is difficult to talk about sealed court filings "in the abstract." However, he said, there are legitimate — and limited — reasons to seal them.

"Where I think the law is and should be is that there is a strong presumption of the openness of all documents, and there has to be a strong and important reason for secrecy as to a particular document," he said. "Once you say that the press and public has a right to attend almost all parts of a criminal trial, documents are a part of that."

Federal court dockets are posted online and reflect every time a sealed document is filed. The online Maryland court case search is less detailed.

In contrast to the Porter case, Williams has issued five orders denying defense motions to seal documents in Goodson's trial, and those have been posted on the Gray case website.

In one order, Williams wrote that the court had requested that attorneys in the case file "under seal" any discovery disputes and proposed voir dire, a legal term that covers jury selection and the questioning of expert witnesses.

But, the judge added, he was denying the request to seal documents because the motions did not "fall in those categories."

The documents included an internal police document in which police officers wrote that Freddie Gray had once complained of a back problem. Williams had sealed that document during Porter's trial when he ruled that prosecutors committed a discovery violation by failing to disclose it to defense attorneys.

Mark R. Weaver, a prosecutor and adjunct professor at the Ohio State University College of Law, said that because sealing court filings clashes with a "fundamental constitutional right," judges are required to make "specific findings" as to why such a step is necessary. Those findings should be narrowly construed and made public, he said.

"A prudent judge would make a finding on the record that the measures that he's taking are required to protect the Sixth Amendment right of the defendant and are narrowly tailored to do that," said Weaver, who teaches a course on law and ethics surrounding high-profile trials.

"It's not just about this one defendant. There might be a document that's not all that important in this case but could hinder the right of defendant No. 3 to get a fair trial," he said.

As for Williams' asking that jurors refrain from speaking to the press about the Porter case, Weaver said the judge's request is not legally binding. No public court order was issued. Jurors can shed light on their deliberations and reveal how they voted on the charges.

"It's standard in a high-profile case for a judge to remind jurors that they don't have to talk to anybody about the trial. It's permissible for a judge to recommend that jurors don't talk. It's unconstitutional for a judge to order jurors not to talk," he said.

"The judge has a lot of power over you when you're standing in front of him, but once you've left that courthouse, unless you have some tangible connection back to that case, that judge has zero power over you."

krector@baltsun.com

twitter.com/rectorsun

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This article is related to: Crime, Colleges and Universities, Barry Williams, William Porter, Freddie Gray, Education, Caesar R. Goodson Jr.

EXHIBIT 5

The Washington Post

Local

New trial date isn't set for Baltimore officer accused in Freddie Gray's death

By Justin Jouvenal and Lynh Bui December 17

The jury in the first Freddie Gray case heard more than 20 witnesses, examined 100 pieces of evidence and deliberated for 16 hours but could not reach a verdict, leaving an anxious and weary Baltimore in limbo.

The question becomes what happens next?

Legal experts say the mistrial in the trial of Officer William G. Porter complicates prosecutors' carefully calibrated plan to secure convictions of all six officers accused in Gray's death and could significantly weaken one or more of the cases.

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The Freddie Gray case

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The first decision Baltimore City State's Attorney Marilyn Mosby faces is whether to retry Porter.

Prosecutors, Porter's attorneys and Baltimore City Circuit Court Judge Barry G. Williams met Thursday in the judge's chambers to discuss a new trial date, but a court representative said none was set. She said more scheduling hearings will be held before there would be information on dates in a possible retrial of Porter. Those meetings could affect trials for the other five officers charged.

A gag order prevents Mosby and defense attorneys from discussing the case, but legal experts and Gray's family said that they expect Mosby to mount another trial and that retrials often produce very different results.

"You can't read too much into a hung jury because you don't know what the jury was thinking," said local defense lawyer John Cox. "It doesn't necessarily tell you what is going to happen next time."

A juror reached Thursday declined to comment on the panel's deliberations, saying she wanted to respect Williams's request that they not speak until after the six trials are over.

Prosecutors put Porter on trial first because they were hoping he would be a key witness in the trials of Sgt. Alicia White and Officer Caesar Goodson, whose case is up next and who is facing the most serious charges of the six officers. Goodson drove the police van in which Gray broke his neck, an injury that ultimately killed him.

But if Porter is still facing prosecution, he could decline to testify, citing his Fifth Amendment right against self-incrimination, said David Jaros, a University of Baltimore School of Law professor. That could present a major problem for prosecutors, who are hoping to secure a second-degree murder conviction in Goodson's case.

"It seems like there are significant holes in the state's story line without Officer Porter's testimony," Jaros said.

During his trial, Porter testified that he told Goodson that Gray needed medical help during one of the van's stops and interacted with him at others. That information would be an important part of the case against Goodson.

Goodson's trial is scheduled to begin on Jan. 6 and White's on Jan. 25, so prosecutors could try to delay them until after Porter's retrial, but that move would probably stir opposition from attorneys for Goodson and White. Prosecutors also might try to bump all five other cases back until after a retrial of Porter.

Jaros said prosecutors might decide to offer Porter immunity in exchange for his testimony against Goodson, but that might also have to involve federal prosecutors since they could decide at some point to file a case claiming Porter violated Gray's civil rights.

Legal experts say the mistrial will likely spur both prosecution and defense to evaluate their tactics, knowing they convinced some jurors but not others.

David Felsen, a Maryland defense lawyer based in Rockville, said one advantage for the defense is that jurors in a second trial — particularly in a high-profile case such as this — will know the first effort ended in a mistrial. That could create the notion that there is something wrong with the prosecutors' case. "The second jury is going to know that earlier group had some questions about this," Felsen said.

Another defense lawyer, Victor Del Pino, said that even if the jury had voted 10 to 2 or 11 to 1 to acquit Porter, prosecutors would face enormous pressure to redo the case. "This is such a high-profile case, I think they're going to retry it no matter what the count was," said Del Pino, a former prosecutor.

Dan Morse contributed to this report.

Lynh Bui is a Prince George's County public safety reporter and former Montgomery County education reporter.

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EXHIBIT 6

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY
2015 DEC 17 P 2:50
CRIMINAL DIVISION

STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
CAESAR GOODSON	*	Case No. 115141032

* * * * * * * * * * * * *

ORDER

On December 15, 2015, the Defendant filed a Motion to Seal Defendant's Second Motion for Reconsideration of the Denial of Motion for Removal.

This Court requested that counsel file any discovery disputes and proposed voir dire under seal. Finding that Defendant's Second Motion for Reconsideration of the Denial of Motion for Removal does not fall in those categories, it is this 17th day of December, 2015 hereby

ORDERED that the Defendant's Motion to Seal Defendant's Second Motion for Reconsideration of the Denial of Motion for Removal is **DENIED**.

Judge Barry G. Williams
Judge's Signature appears on the original document

JUDGE, CIRCUIT COURT FOR
BALTIMORE CITY

Clerk, please mail copies to the following:
Matthew Fraling, Attorney for Caesar Goodson
Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City

EXHIBIT 7

From: Chris Metcalf <Chris.Metcalf@mdcourts.gov>
Sent: Thursday, December 17, 2015 10:03 AM
To: Cooper, Aaron
Subject: RE: Balt transcripts

Hello Aaron,
The same rule applies because the charges are still pending. When he is found not guilty or sentenced, I am fairly sure you can get everything. We can revisit when it's time.
Thank you,
Chris

From: Cooper, Aaron [mailto:Aaron.Cooper@turner.com]
Sent: Thursday, December 17, 2015 9:20 AM
To: Chris Metcalf
Subject: Fwd: Balt transcripts

Good morning Chris -
Now that the Porter case has ended in a mistrial I wanted to see about what we could get from the trial.

You mention we can order transcripts. How is the best way to tell you specifically what we want? Is there a way for us to either buy the audio CDs or is it possible for us to just come to your office today and listen to the recordings so we can tell you what we need? There is a specific bench conference we want as well as potentially a few other things now that the trial is over.

Thanks
Aaron.

From: Chris Metcalf <Chris.Metcalf@mdcourts.gov>
Sent: Thursday, October 15, 2015 2:12 PM
To: Cooper, Aaron
Subject: Freddie Gray transcripts

Dear Mr. Cooper,
You had inquired whether you would be able to purchase daily transcripts in the trials having to do with Freddie Gray. I verified with Administrative Judge W. Michel Pierson that the same order applies, transcripts and DVD's can only be purchased by parties to the case. Non parties must wait until after the sentencing to purchase transcripts and can only have audio on the DVD. During the trial, non parties can review the case as long as the bench conferences are removed.
The order is on our website.
http://www.baltocts.sailorsite.net/about/ct_report.htm

Circuit Court

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Read more...

Sincerely,
Chris Metcalf
Acting Deputy Chief Court Reporter

EXHIBIT 8

IN THE CIRCUIT COURT FOR BALTIMORE CITY

ADMINISTRATIVE ORDER ON COURT TRANSCRIPTS

WHEREAS, the Circuit Court for Baltimore City has always upheld the public's right to access to court records and transcripts where not prohibited by law, and has adopted the Rules promulgated in Maryland Chapter 16-101 through 1011; and

WHEREAS it has come to the Court's attention that certain proceedings attract more attention from the public and more requests for transcripts are made sometimes on an emergency basis; and

WHEREAS the rules do not reflect the timing of submission of transcripts under parties' requests; and in some cases, the release of transcripts could adversely affect deliberations of fact finders or place merely speculative statements before the public prior to verdict or other important phases of court proceedings, the Court has found it necessary to set timing protocols with respect to the release of transcripts to persons other than parties, counsel, and presiding judges of court proceedings; therefore, it is this 5th day of January, 2010, hereby

ORDERED that in the Circuit Court for Baltimore City, persons who are not parties to the proceeding, counsel in the proceeding, the judge in the proceeding, or someone presenting a lawful subpoena, shall not have requests for transcripts reviewed and orders placed until there is a decision, verdict, or judgment in the proceeding or hearing. This Order applies to criminal, civil, and family cases; and it is further

ORDERED that the Court Reporting Services Office of the Circuit Court for Baltimore City shall hold any requests made for transcripts until notified by proper

official that a decision, verdict, or judgment has been reached in the case. Upon that notification, the request shall be processed in the normal course of business. And it is finally

ORDERED that transcripts released shall contain all information that is allowable under the Rules and shall only redact any information, such as bench conferences, upon order of the presiding judge of the proceeding.

//s//

Marcella A. Holland
Administrative Judge
Circuit Court for Baltimore City

cc: Frank Conaway, Clerk, Circuit Court for Baltimore City
John W. Anderson, Sheriff, Circuit Court for Baltimore City

EXHIBIT 9

WBAL November 30, 2009
5pm News

REPORTER: Bench conferences are convened when those involved in the case want to discuss something with the judge privately, but on the record. That's when the judge turns on static noise so no one else in the courtroom can hear it. A bench conference followed attorney Arnold Weiners' opening statement bombshell...the defense acknowledged for the first time that Sheila Dixon spent gift cards because she thought they were meant for her use alone. State prosecutor Rohrbaugh admits he's surprised by the defense strategy.

> Prosecutor Robert Rohrbaugh: This is the first time we've heard from the defense on this.[1]
>
> Defense Attorney Arnold Weiner We can work something out.
>
> Judge Dennis Sweeney : If I understand from your earlier statement, yes she bought all this, I don't know why they're even putting this evidence on because we're basically consenting to it. I mean, I can see Mr. Rohrbaugh---steam coming out of his ears when we're saying that.
>
> Judge Dennis Sweeney : If I understand from your earlier statement, yes she bought all this, I don't know why they're even putting this evidence on because we're basically consenting to it. I mean, I can see Mr. Rohrbaugh---steam coming out of his ears when we're saying that.

Judge Dennis Sweeney advises the two sides to consider stipulating that Dixon did use gift cards on these specific days. . . according to the transcripts the judge says it would also help to fulfill Mr. Weiner's promise of shortening the trial up. The bench conference chess match continues with sparing over calling Dixon's former boyfriend, developer Ron Lipscomb to the stand. The defense opening statements attacked the credibility of Lipscomb and turned him into a villain. The prosecution dropped their star witness. Some believe doing so neutralizes the defense claim that the gift cards were tokens given in a romantic pursuit of Dixon.

> Arnold Weiner : Are you planning on Mr. Lipscomb tomorrow ?
>
> Robert Rohrbaugh: No. I'm glad you told me what my order was.

Judge Sweeney turns referee...telling both sides to provide each other a witness list a day in advance.

> Robert Rohrbaugh: When is Ms. Dixon testifying ?
>
> Arnold Weiner : We'll let you know .
>
> Robert Rohrbaugh: Now see, that's a problem. We'll let you know. It's always we'll let you know.}

---

[1] The reporter read the words from the transcript of the prosecution, defense counsel, and judge.

EXHIBIT 10

WBAL November 30, 2009
6pm News

REPORTER: Bench conference transcripts reveal ill will between the defense and prosecution teams. They disclose a legal chess match regarding strategy and they offer a glimpse of judicial humor and advocacy for the jury.

The following exchange between defense attorney Arnold Weiner and Prosecutor Robert Rohrbaugh happened at the bench at the end of the first week of the trial:

> Defense Attorney Arnold Weiner : Do you have somebody here ?[1]
> Prosecutor Robert Rohrbaugh : No. I just called. His mailbox is full.

The State is referring to Lindberg Carpenter who bolted from the courthouse after he testified. Carpenter was the advance man for the mayor's holly troller tour. He pleaded guilty in January to stealing seven gift cards intended for the needy. They also discuss developer Patrick Turner taking a red eye flight from the west coast. Turner testified that he bought as many as 40 gift cards for the needy at the request of Sheila Dixon. It's Turner's batch of cards the defense contends got mixed in with Lipscombs, in which Dixon thought were meant for her.

> Judge Dennis Sweeney: Okay, so you are telling me you've got nothing ?

> Prosecutor Robert Rohrbaugh : We have nothing, as much as I hate to do it. The good news is, we're still, I mean, we're way ahead of schedule.

> Defense Attorney Arnold Weiner : May I say something ? We were really sandbagged here today and I think it is an outrage.

> Judge Dennis Sweeney : On Monday, have people double booked, triple booked. And if somebody is not coming in promptly. I'll send a sheriff out to get them and I'll do that on both ends of this case because this thing is too delicate to have it not be going smoothly.

Dixon's attorneys tell the judge they want to cross examine State witnesses...and they need a list in advance to bring materials to court and "give Ms. Dixon the defense that she deserves."

> Defense Attorney Arnold Weiner : They gave us a list that wasn't the list and I'm asking your Honor to please instruct them to tell us who they are calling on Monday.

> Prosecutor Robert Rohrbaugh: First your Honor. I really take exception at Mr. Weiners comments. This is exactly why we did not want to give him the list because it always comes back to bite me. He springs this last minute defense on us then he expects us to scramble , redo our witness list. It's just outrageous for him to say that we have sandbagged him.

---

[1] The reporter read the words from the transcript of the prosecution, defense counsel, and judge.

In another bench conference Judge Sweeney offers his take on the jury. Transcripts reveal he called the boss of one of the jurors to make sure they got paid while on jury duty.

> Judge Dennis Sweeney: The jurors seem to me to be very interested in this thing, with the exception of one or possibly two. And I think it helps that you put together a good prosecution and a good defense and it's interesting and there's enough girlfriend/ boyfriend stuff in the case that it keeps the interest moving.

EXHIBIT 11

Technical Services

Location, Phone, Hours of Operation

Location: Montgomery County Circuit Court
North Tower Terrace, Rm T020

Phone: (240) 777-9150

Hours of Operation: 8:30 a.m. - 4:30 p.m.

One of the key functions of a court is to ensure that all court proceedings are properly recorded as part of the official court record. These records must also be available to the public. At Montgomery County Circuit Court, the Technical Services Department is responsible for these tasks, as well as for maintaining the integrity of the court's telephone, internet, and intranet communications and all electronic equipment used by approximately 400 court personnel. The Department supports 10 full-time administrative and IT staff who are responsible for addressing all of the technical service needs of the court.

The Technical Services Department's main responsibilities include:

- Court Recordings– Recording of all court proceedings
- Public Services – Transcription service and audiovisual equipment rentals
- Courthouse Services – Court-wide computer/network services

About Technical Services Department

Mission Statement

The Technical Services Department supports the Circuit Court with highly trained Administrative and Information Technology professionals. Its mission is to provide the Circuit Court and the public with the best information technology and services so the court can efficiently and effectively perform its business practices at an unprecedented level of quality at the lowest possible cost.

Vision Statement

The Technical Services Department is committed to providing superior customer support and services to our community through the implementation and integration of technology in ways that support and address the court's business processes.

Staff

The Technical Services Department is staffed by ten dedicated and diversified professionals. Their expertise ranges from database design to administrative/user support to provide efficient and effective service to the public and the court staff and support the operations of the Circuit Court.

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Main Responsibilities of Technical Services Department

1. **Court Recordings**

The Technical Services Department is in charge of ensuring proper recording of all court proceedings for the official court record that occur in the 29 courtroom and hearing rooms located at the Circuit Court. For more than 30 years, the court has electronically recorded all courtroom proceedings. The Department maintains a "library" of these recordings from Civil, Family, Equity, Criminal, Juvenile, District Court Appeals, and Register of Wills cases. All court proceedings for the past 12 years are stored on-site.

In 2002, the court introduced a new digital recording system, *CourtSmart,* after having used an 8-track reel-to-reel tape system to record court proceedings for the first 20 years of its existence. The *CourtSmart* system allows the court to constantly monitor court proceedings, perform real-time verification of courtroom events, and to record and maintain the proceedings with vastly improved sound quality. In addition, *CourtSmart*'s storage and retrieval flexibility of archived media enables the Department to offer new services, such as rapid search on court proceeding files, which expedites a transcript request. Information digitization via *CourtSmart* also enables the court to provide court proceedings in CDs. For purchasing transcripts, see "Transcripts and Audio Recordings" below.

2. **Public Services**

The Technical Services Department provides transcripts/audio of courtroom proceedings and evidentiary presentation equipment rentals.

Transcripts and Audio Recordings

Transcripts are the most frequently requested service of the Technical Services Department. Transcripts can be purchased by the public, including litigants and attorneys, as long as the case has not been sealed (closed to the public) pursuant to a Judge's order.

Transcript fees are assessed by page, and the page prices are determined by the requested turn-around time. Audio CD recordings of courtroom hearings and trials may also be purchased.

How to Request a Written Transcript

Transcript requests are processed by the Technical Services' staff either in person (North Tower Terrace, Rm T020, Montgomery County Circuit Court, 50 Maryland Avenue, Rockville, Maryland) or by telephone (240-777-9150). A deposit is required to process any transcript request. Contact the Technical Services Department for an estimate of the total transcript cost and the deposit amount. Click Transcript Price for the transcript fee schedule.

Transcript Price: Click on Transcript Price( ).

To process a transcript order, the following information is required:
Case Number
Case Name
Exact Hearing and/or Trial Date(s), and
Name of the presiding Judge or Magistrate

All transcripts provided by the Circuit Court are certified for litigation in court.

In addition, with purchase of the original transcript, an electronic version of the transcript (PDF format) is provided free of charge on a CD and additional hard copies of the transcript for $0.25/page.

How to Request an Audio Recording

Requests for audio recordings of court proceedings are processed by the Technical Services staff either in person (North Tower Terrace, Rm T020, Montgomery County Circuit Court, 50 Maryland Avenue, Rockville, Maryland) or by telephone (240-777-9150). Most audio recording requests are processed within 1 to 2 business days, and are available on a data CD.

To process an audio recording, the following information is required:

Case Number
Case Name
Exact Hearing and/or Trial Date(s), and
Name of the presiding Judge or Magistrate

NOTE: The Technical Services Department provides electronic recordings of Circuit Court proceedings for the limited purpose of verification of testimony. Any broadcast and/or copies made of an electronic recording is strictly prohibited by law and Administrative Order of this Court.

Audio Visual Equipment Rental

UPDATE: We are excited to announce that the North Tower courtrooms now have LCD projectors and document cameras available for use at no charge!

The Circuit Court provides most courtroom audio/video equipment free of charge. The following is a list of items available in each Tower:

North Tower courtrooms have the following equipment:

- Tele-conferencing capabilities
- 42" LCD Display Monitor, with multiple inputs, i.e., HDMI and VGA
- DVD/VHS player
- Windows PC's w/ DVD Drive and USB Ports
- Document Camera (ELMO), LCD Projector, and AV Screen Cart

South Tower courtrooms have the following built-in:

- Attorney/Litigant table audio/video connectors (VGA standard, adapters available for newer connections) and display monitors
- Document Camera
- 55" LCD Display Monitor
- DVD/Blu-Ray Player
- Windows PC's w/ DVD Drive and USB Ports
- Witness display monitor with annotation capability
- Jury box display monitors and audio speakers

South Tower Hearing Rooms have the following built-in:

- 55" LCD Display Monitor
- DVD/Blu-Ray
- One audio/video connector available at clerks desk
- Tele-Conferencing

Video-Conferencing is available in all courtrooms and its use is governed by this ***policy*** ( ).

Audio/Visual media duplication/conversion

The Technical Services Department also offers audiovisual media duplication/conversion services for the recordings of court proceedings. The Technical Services' staff duplicates VHS tapes, cassette tapes, and CDs and converts micro-cassettes and VHS tapes to standard cassette tapes. Click Audio Visual Equipment Price List( ) for these services or contact the Department by telephone (240-777-9150).

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3. **Courthouse Services**

The Technical Services Department is responsible for every aspect of the court's information systems and supports approximately 400 users. The duties of, and services performed by, five Information Technology Specialists range from installing and maintaining server/PC hardware and software applications to designing and troubleshooting complex computer networks and information databases.

The Technical Services' IT staff support the following systems and applications on an on-going basis:

- Case File Tracking Systems
- Case Management Information Systems
- Computer Networking/Network Infrastructure
- ***CourtSmart***, the Digital Recording System
- Database Systems Design
- Docket and Directory Display Systems
- Electronic Document Imaging System
- Help Desk Call Center Support
- Professional Computer Hardware/Software Support
- Telephone/Telephone Conferencing Systems
- Video Conferencing Systems
- Website Design and Maintenance
- Wireless Internet Access Points

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Montgomery County Circuit Court
50 Maryland Avenue, Rockville, Maryland 20850
Office Hours: Monday through Friday, 8:30 AM - 4:30 PM

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EXHIBIT 12

Video spotlights Freddie Gray at Baker and Mount streets

A cell phone video shot April 12 at Baker and Mount streets shows officers putting Freddie Gray in leg shackles and flexi-cuffs before putting him back in the van, head first and on his stomach. (Baltimore Sun)

By **Catherine Rentz · Contact Reporter**
The Baltimore Sun

MAY 20, 2015, 5:43 PM

On the morning of April 12, Michelle Gross woke up to screaming. Gross, known as "Mom" in West Baltimore's Gilmor Homes area, left her home and saw Freddie Gray — someone she called "son" — being dragged into a police van.

As police drove away with Gray, she gave her phone to a neighbor who wanted to call 911 and report the incident. But soon, Gross and the neighbor were headed to the corner of Mount and Baker streets, where the van had stopped.

There, the neighbor shot cellphone video that provides a close look at Gray and police actions that have been criticized by Baltimore State's Attorney Marilyn J. Mosby. That video, combined with the account of Gross

and her neighbor, provide the most detailed public account of the van stop — a key moment in Gray's fatal encounter with police.

The video shows Gray halfway out of the van, his stomach flat on the floor and his legs hanging off the back. He does not move as four officers stand over him and place shackles around his ankles.

In her first interview about the incident, Gross, 58, said she was shocked at the turn of events that led to Gray's death from a spinal injury. "I thought his leg was just broke and that he was just going to the police station and we would hear him that afternoon," she said recently, as tears streamed down her cheeks.

Most of the video of Gray was taken of the arrest at Mount and Presbury Streets. Less is known about what happened a block away, when the van stopped at Baker Street and he was shackled.

That was a key moment, according to Mosby. Charging documents filed against six officers involved in Gray's arrest and transport state: "Following transport from Baker Street, Mr. Gray suffered a severe and critical neck injury as a result of being handcuffed, shackled by his feet and unrestrained inside of the [Baltimore Police Department] wagon."

Mosby also said officers violated department policy by not securing Gray with a seat belt and not providing medical care when he requested it. Charging documents state that officers placed Gray in the van head first and on his stomach before transporting him around West Baltimore.

According to Mosby, Lt. Brian Rice directed the police van to stop at Mount and Baker.

Police said Gray was acting "irate." Rice and two other officers took him out of the van and placed flex-cuffs on his wrists and metal shackles on his ankles.

Cellphone video and surveillance footage reviewed by The Baltimore Sun shed more light on what took place during the stop.

Video from city surveillance camera No. 2108, mounted on top of Gilmore House, recorded part of the scene. That was one of 16 surveillance videos relating to the arrest and van trip that the Baltimore Police Department released in April.

For weeks, video from camera No. 2108 remained off the Police Department's YouTube site, and department officials did not respond to questions about why it was not online with the 15 other camera videos. On Wednesday, after The Sun posted video from that camera, Lt. Sarah Connolly said in a statement that a technical glitch kept it from uploading to YouTube. She added that the department is working on uploading it.

According to that surveillance video, at 8:46 a.m., the van carrying Gray rounded the corner from Presbury and headed south on Mount. A minute later, the van is seen parked just north of Baker. However, Gray is not visible at the back of the van.

The video shot by Gross' neighbor is distorted and shows just a few seconds at the back of the van. As officers restrain Gray, the video shows another officer pull up in a patrol car, get out and walk toward the van. (The neighbor did not allow his name to be published because he feared retaliation by police, but Gross allowed The Sun to copy the video from her phone.)

At this point on the cellphone video, Gross yells to Gray, "You all right?" No response is detectable from the recording and Gross said she didn't hear Gray respond. Her neighbor yells, "Porter, can we get a supervisor up here please?" He said he was yelling at Officer William Porter, who would be one of the six charged in the case.

The neighbor said Porter motioned to Rice, identifying him as the supervisor. On the video, the neighbor says, "Can we get someone else out here? This is not cool. This is not cool. Do you hear me?" The man's shouts are heard on the phone, but not the officers' responses.

The man said that Rice and other officers moved toward him, blocking his view of the van. They didn't ask him to stop recording, but Rice took out his Taser and threatened to use it if he didn't leave, the man said.

Gross is then heard telling her neighbor, "Let's walk away." After that, both of them left.

Surveillance video confirms at least some of that account; it shows three officers moving toward the neighbor, standing between him and the van. Soon, the neighbor is gone from the camera's view.

Baltimore police officials did not respond to repeated inquiries about whether they have seen the cellphone footage or about allegations of threats against the man. A spokesperson said the department is directing all questions relating to the case to the state's attorney's office; it had no comment.

Calls and emails to Rice's lawyers were not returned.

Charles "Joe" Key, a former Baltimore police lieutenant who now consults on use-of-force cases, said ankle shackles are used to further restrain individuals so they can't run away or kick an interior window of a transport van. He said a suspect should be able to walk with the shackles on.

Joseph L. Giacalone, a retired New York Police Department detective sergeant who trains law enforcement officers, said, "You would never put a detainee struggling to breathe face down because that never promotes free breathing."

The officer who drove the van, Caesar Goodson Jr., has been charged with second-degree, depraved-heart murder, and involuntary manslaughter, among other charges. Rice, who was the highest-ranking officer at

the arrest scene, has been charged with involuntary manslaughter, second-degree assault, misconduct in office and false imprisonment.

The six officers who are charged in the case are free on bail and have asked Mosby to recuse herself from the case because of alleged conflicts of interest, including past professional relationships with William H. "Billy" Murphy Jr., the lawyer for Gray's family. Mosby has rejected that request.

Shortly after Gray's death, police posted fliers around the area asking residents with video of the incident to come forward. A police news release on April 16 stated that when the van departed from Mount and Baker streets, video evidence indicated that Gray was "conscious and speaking."

It is unclear which video police are referring to; neither the cellphone video taken with Gross' phone nor the security camera initially released by police reveals Gray speaking or moving.

Gross said police never reached out to her for the cellphone video footage and she has not spoken to them.

Gray's death still upsets Gross. She has seen police beatings portrayed on television but has never known anyone who died from alleged brutality — certainly not someone she used to call "son."

She said, "He won't be calling me Mom anymore."

crentz@baltsun.com

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This article is related to: Crime, Homicide, Freddie Gray, Marilyn Mosby, William Porter, Baltimore Police Department

EXHIBIT 13

LEN THE PLUMBER Same Day Service 7 Days a Week! PLUMBING • DRAIN CLEANING • WATER HEATERS

By George Lettis
BIO

Police release CCTV video in Freddy Gray investigation

Police seek man in photo, release video

UPDATED 3:24 PM EDT Apr 25, 2015

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NEXT STORY
Man killed in single-vehicle accident in Parkton

Text Size: A A A

BALTIMORE — Baltimore police released Citiwatch camera video Friday evening as detectives seek the public's help to identify witnesses.

City police released 16 videos showing the scene at the time of Freddie Gray's arrest on April 12. (Mobile users tap here to see the CCTV video)

Gray suffered spinal injuries that left him in a coma for a week before he died at Shock Trauma.

Police Commissioner Anthony Batts called the investigation massive, saying more than 30 investigators are looking into Gray's death. Police officials also said that Gray should have had medical attention at the spot he was arrested.

The video released Friday and information police provided earlier in the afternoon gives another vantage point of the timeline surrounding Gray's arrest. At 8:39 a.m., a city street camera shows a man running and then two officers get on their bicycles to go after him. By 8:42 a.m., a prisoner transport van arrives and police put Gray inside.

At this point, Batts admitted mistake No. 1 occurred.

FREDDIE GRAY INVESTIGATION

- Statement of Charges in Freddie Gray...
- Images: Ralliers converge outside...
- Photos: State of emergency enacted...
- Photos: State of emergency enacted...
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- Experts: Convictions will be tough...
- 6 officers charged in Freddie Gray case
- Freddie Gray family reacts to news of...
- Maj. Gen. Linda Singh urges for...
- Man who recorded Freddie Gray's...
- Who are police officers charged in...
- 98 officers hurt, police say; Gray...
- Second man in police transport van...
- Hogan: State will stay in city until...
- Crowd defies curfew in Baltimore...
- National Guard activated; Curfew issued
- Gang members: We did not make truce...
- Gray case prompts Sharpton to come to...
- Thousands attend Freddie Gray funeral
- 34 arrested, 6 officers hurt during...
- Dozens arrested, officers injured in...
- Police release CCTV video in Gray...
- I-Team examines call for medical help...
- Baltimore transport van fosters...
- Planners say rally will shut down...
- Thousands attend Freddie Gray funeral
- Faith leaders call for commissioner...
- I-Team: Gray arrives at Shock Trauma...
- Civil rights group to investigate...
- 2 arrested at Freddie Gray protests...
- FOP: Freddie Gray protests look like...
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"We know our police employees failed to get him medical attention in a timely manner, multiple times," Batts said.

Shortly before Gray was put in the van the first time, he asked for an inhaler.

"Quite frankly, that's exactly where Freddie Gray should have received medical attention, and he did not," Deputy Police Commissioner Kevin Davis said.

Mistake No. 2 also involves the prisoner transport van. Gray's hands were handcuffed at the first stop, and leg irons were put on him at the second stop, leaving a hogtied Gray in the van without a seat belt.

"We know he was not buckled in the transportation wagon as he should have been. No excuses for that, period," Batts said.

City street camera video shows the van leaving the second stop at 8:54 a.m. The van then makes stop No. 3 at Druid Hill Avenue and Dolphin Street, where police indicate Gray was responsive. There's no city camera video of this stop.

"The police wagon stops a second time at Druid Hill and Dolphin to deal with Mr. Gray, and the facts of that interaction are under investigation," Davis said.

WATCH: George Lettis' report on the CCTV video

SHOW TRANSCRIPT

"We have a third officer that comes up to witness Mr. Gray. Mr. Gray is talking there. They pick him up off the floor and place him on the seat. He says he needs a medic," Batts said.

A medic was never called.

"There's something we have to look at, that we have to have further investigation on," Batts said.

The van stopped a fourth time to pick up another person at Pennsylvania and North avenues.

The paramedics are then called at 9:26 a.m. once the wagon arrives at the Western District police station. Gray was unresponsive at that point.

According to new information obtained by the 11 News I-Team, the medic call was mistakenly for a broken arm.

The medic unit arrived at the Western District at 9:33 a.m. without a fire engine and extra manpower usually dispatched with a more serious call. After backup arrived, Gray was on his way to Shock Trauma at 9:54 a.m. with a pulse, sources said. He died a week later.

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City police also released a photo that they said comes from closed-circuit TV video and shows the moment of the arrest, which was also being filmed by the man in the center of the street.

Anyone with information is asked to call 410-637-3097.

8:39 AM
April 12, 2015

Police make contact with Freddie Gray

Lt. Brian Rice, on bike patrol with Officers Garrett Miller and Edward Nero, makes eye contact with Gray, who is walking in the western Baltimore neighborhood where he was raised, and another person. Both run and the officers pursue them. After a foot chase, Gray surrenders about two blocks away.

(time unknown)

Freddie Gray

(time unknown)

APRIL 12 APRIL 13

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EXHIBIT 14

The Washington Post

Morning Mix

Baltimore police: Freddie Gray died from a 'tragic injury to his spinal cord'

By Lindsey Bever and Abby Ohlheiser April 20

A 25-year-old man who died several days after being arrested by Baltimore police suffered a fatal spinal injury, authorities said Monday, as city officials announced that six police officers have been suspended.

Freddie Gray died Sunday, a week after Baltimore city police arrested him. A charging document obtained Monday by the Baltimore Sun said Gray "fled unprovoked upon noticing police presence."

Video of the arrest played by police at a news conference Monday did not show how Gray suffered his injury, which Deputy Police Commissioner Jerry Rodriguez described as "a very tragic injury to his spinal cord, which resulted in his death," citing the preliminary results of an autopsy.

ADVERTISING

"What we don't know, and what we need to get to, is how that injury occurred," Rodriguez said. He noted that "when Mr. Gray was put in that van, he could talk, he was upset, and when he was taken out of that van, he could not talk and he could not breathe."

['This is not Ferguson': Muddled mantra heard again after Freddie Gray death]

Rodriguez added that police had "no evidence" of any use of excessive force at this point, including from the preliminary results of the autopsy.

Gray's death has prompted authorities to launch a criminal investigation as protesters continued searching for answers and city officials expressed frustration and pleaded for calm.

"We are a community on edge right now," Police Commissioner Anthony Batts said at the news conference.

A court summons gave the first glimpse into Gray's arrest, a case that has ignited outrage over the past week. According to the document, following Gray's arrest, officers found a knife in his right pants pocket. The document reports that Gray "was arrested without force or incident" on April 12.

The charging document, filed in Baltimore District Court, says that Gray "suffered a medical emergency" during transport to the Western District station. He was, the document says, "immediately transported to Shock Trauma."

[Thousands of police shootings since 2005 result in few prosecutions]

The revelations came as protesters continued to demand answers: Why was Gray arrested, and what happened to him in police custody that could have led to his death?

"I hear the concern, I hear the outrage," Batts, the police commissioner, said Monday. "I also hear the fear."

Batts, who apologized to Gray's family, promised that his department's investigation would be completed by May 1.

Part of the frustration has come from the department's initial silence.

Baltimore police: 'This is not Ferguson'

▶ Play Video 1:53

"I understand it, because I'm frustrated," Baltimore Mayor Stephanie Rawlings-Blake said at the Monday news conference. She promised: "We will provide the community with all of the answers that the community deserves."

Rodriguez said he was "proud" that Baltimore residents "speak up," adding, "this is not Ferguson."

Justin Fenton 20 Apr
@justin_fenton

It is interesting that there is an account laid out in a public court document, yet the agency has been unwilling to state it publicly

Justin Fenton Follow
@justin_fenton

Even to say they are skeptical of it or scrutinizing it

9:30 AM - 20 Apr 2015

3 3

On Saturday and Sunday, protesters gathered outside the Western District station where Gray was initially taken before he was transported to the University of Maryland R. Adams Cowley Shock Trauma Center in Baltimore. Gray died at the hospital Sunday morning following reports that "his spine was 80 percent severed at his neck," his family attorney Billy Murphy said in a statement to the Sun.

The incident unfolded about 8:30 a.m. April 12, when three Baltimore police officers approached Gray, and he ran away, according to the Baltimore police's timeline of events, given to the media Monday afternoon. Officers caught him about two blocks from the scene.

Rodriguez, the deputy commissioner, said the officers suspected Gray was "immediately involved or had been recently involved in criminal activity." He had been convicted on drug charges in the past and was due in court next month on a drug charge from last year, the Associated Press reported.

Once caught, Gray "gave up without the use of force," Rodriguez said.

"They had him in a crab-like position, where his legs were bent back and his arms," an unnamed witness told WBAL-TV. "He was handcuffed, and at that point, they had knees in his back and his head."

A video shot by a bystander shows officers dragging him and loading him face down into a police van.

"They threw him in the paddy wagon first, you know, face down, and mind you, his arms and legs are locked up," another unnamed witness told WBAL. "He was face down as he was on his stomach. They just threw him in the paddy wagon face down, head first, ankles bound, arms bound."

On the way to the station, police stopped the van to put more restraints on him, according to the department timeline. "Video evidence indicates the suspect is conscious and speaking at this time," police said.

About a half-hour after police got Gray to the station, officers called for paramedics, police said.

In the charging documents first reported by the Sun, Baltimore police officer Garrett Miller wrote that Gray was stopped because he "fled unprovoked upon noticing police presence." After officers apprehended him, they found a switchblade clipped inside his pants pocket and arrested him.

"The defendant was arrested without force or incident," Miller wrote. "During transport to Western District via wagon transport the defendant suffered a medical emergency and was immediately transported to Shock Trauma via medic."

The report contradicts the statement from Murphy, the family attorney, who said Sunday that Gray "screamed in pain" during the arrest and was in police custody for at least an hour before medics were called.

"He lapsed into a coma, died, was resuscitated, stayed in a coma and on Monday, underwent extensive surgery at Shock Trauma to save his life," Murphy said in the statement. "He clung to life for seven days."

[The heartbreak of a mother who saw her son die during a televised high-speed chase]

Rawlings-Blake, the mayor, said she will ensure "the right people are held accountable."

"How was Mr. Gray injured? Were our proper protocols and procedures actually followed? What are the next steps?" Rawlings-Blake told reporters Sunday, according to NBC News. "We're still collecting details surrounding the incident, but I want our residents to know that we will get the answers."

The four officers have been put on administrative leave. Authorities are putting together a task force to investigate the incident, and an independent review board will look into the administrative case. "It's a two-part investigation. One is a criminal case, for Mr. Gray and also for the officers," Rodriguez said. "We always have that component in there to determine whether there is criminal culpability."

Murphy said he will be conducting his own investigation, talking to bystanders who saw the incident.

"He's gone," Gray's stepfather, Richard Shipley, told the Sun. "What else is there to say?"

Peter Hermann and Lynh Bui contributed to this report, which has been updated.

More reading:

FBI admits flaws in hair analysis over decades

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Lindsey Bever is a general assignment reporter for The Washington Post. Tweet her: @lindseybever

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Abby Ohlheiser is a general assignment reporter for The Washington Post.

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A move by Congress to demand more details about senior spies is watered down in final bill.

Woman drives 30-ton tractor trailer across bridge with a 6-ton limit. Guess what happens?

It did not end well for the bridge. The driver and her passenger were unharmed.

'Affluenza' teen Ethan Couch captured in Mexico

Couch was sought by the U.S. Marshals Service for allegedly violating probation for a drunk driving crash that killed four people in 2013.

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EXHIBIT 15

Baltimore's surveillance cameras may hold clues to Freddie Gray case

Surveillance footage shows a man running through West Baltimore's Gilmor Homes complex on the morning of April 12, when Freddie Gray sustained a fatal spine injury while in police custody.

By **Catherine Rentz · Contact Reporter**
The Baltimore Sun

NOVEMBER 13, 2015, 8:37 PM

City surveillance cameras lining North Avenue and nearby streets may have recorded what happened in the minutes before Freddie Gray's arrest on April 12. But as the trials near for six officers charged in his arrest and death, it's unclear what that footage shows — and whether the public will get to see it.

Some West Baltimore residents have questioned why Baltimore police did not release all surveillance footage of the events that morning. Several cameras could shed more light on Gray's initial interaction with police and the subsequent pursuit, they say. While in police custody, Gray suffered a spinal cord injury; he died a week later.

Police have released footage from 16 cameras, but that does not include North Avenue camera footage recorded prior to the arrest, when officers pursued Gray and a friend.

The Baltimore Sun filed a Public Information Act request for footage from those cameras and others related to Gray's arrest. The request was forwarded by city police to the Baltimore state's attorney office, which denied it, saying that releasing the material would interfere with law enforcement and the officers' right to a fair trial.

The first of the officers' trials is scheduled to begin in late November. The officers, who face charges ranging from misconduct to second-degree murder, have pleaded not guilty.

It is unclear whether footage from the city's surveillance cameras will be used as evidence in the trials.

Two years earlier, police used video from six cameras to arrest Gray and Kemonta Johnson on charges of illegal drug distribution at the corner on North Avenue and Mount Street.

Johnson was convicted. Gray, who was accused of being a lookout, agreed to a deal that indefinitely postponed his charges in exchange for doing community service.

The footage, according to Gray's attorney, Creston Smith, contradicted police allegations. "You can see Mr. Gray standing on the sidewalk, sitting on the steps, talking to people, watching a girl walking by – but not acting as a lookout that I think a judge or jury would expect to see."

The cameras in West Baltimore are part of a citywide system of about 600 cameras.

—Catherine Rentz

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This article is related to: Freddie Gray

EXHIBIT 16

STATE OF MARYLAND	*	IN THE CIRCUIT COURT FOR BALTIMORE CITY
v.	*	
WILLIAM PORTER	*	Case No.: 115141037

* * * * *

SECURITY/MEDIA PROTOCOL ORDER (TRIAL PROCEEDINGS)

Trial of this case is scheduled to begin on November 30, 2015. The following order is entered to preserve the security and dignity of the Court, and to accommodate the interests of the public and the media to the greatest extent possible, while causing minimal disruption to the Circuit Court and the surrounding community. This order applies to the trial proceedings following selection of a jury.

Accordingly, it is this 30th day of November, 2015, by the Circuit Court for Baltimore City, **ORDERED** as follows:

1. Trial will be conducted in Courtroom 234, Courthouse East, 111 North Calvert Street, Baltimore, Maryland 21202. The presiding judge will be Judge Barry Williams.

2. Ms. Terri Charles, Deputy Director, Office of Communications and Public Affairs, State of Maryland Judiciary, telephone no. 410-260-1486, cell no. 443-995-9263, email address: terri.charles@mdcourts.gov, is designated as the Court's media liaison for purposes of this Order. In her absence, Ms. Angelita Plemmer Williams, Director, Office of Communications and Public Affairs, telephone no. 410-260-1564, cell no. 410-562-3620, email address: angelita.williams@mdcourts.gov, will act as

the media liaison. All media inquiries must be directed to the media liaison.

3. John Anderson, the Sheriff for Baltimore City, is responsible for maintaining security in and around the Circuit Court buildings. All persons must comply with the Sheriff's instructions concerning security measures in these buildings. References to the Sheriff herein include his deputies and assistants. Maj. Sabrina Tapp-Harper, telephone no. 410-396-7201, e-mail address Sabrina.Harper@baltimorecity.gov shall serve as the Sheriff's media liaison.

4. All persons entering the Courthouse must adhere to security procedures as directed by the Sheriff; pass through electronic security devices; and submit their equipment and belongings to search procedures conducted by the Sheriff's deputies. In order to expedite entry, all persons are requested to refrain from bringing backpacks or extra bags into the Courthouse. Bags and backpacks larger than 18" x 13" x 7" will not be permitted in the courtrooms.

5. No audio or video recording or transmitting equipment, including cameras, shall be permitted inside the Courthouse, except as provided in this Order.

6. All electronic devices, including cell phones, laptops and tablets, must be turned off inside Courtroom 234, unless express permission is given by Judge Williams. No cell phones may be used in the public areas on the second floor of Courthouse East while proceedings are being conducted on the days of the hearing. Sheriff's deputies may inspect an electronic device for misuse, and, if necessary, confiscate the device if it appears to be in use in violation of this order. Sheriff's deputies and other court

personnel are not liable for any damage to or loss of electronic devices confiscated pursuant to this Order.

7. Sheriff's deputies will control visitor movement on the second floor of Courthouse East on the days of the hearings, including any waiting areas for admission to Courtroom 234. No person shall be permitted to loiter in the second floor corridor. No person shall be permitted to sit on the ledges in the second floor corridor.

8. Seating will be made available in the gallery of Courtroom 234 based on the courtroom capacity as determined by the court. A portion of these seats will be set aside for members of the media, and will be allocated on a first-come/first-served basis. Each media outlet will be allotted one seat. Members of the media may indicate their desire for a seat by emailing the Office of Communications and Public Affairs at communications@mdcourts.gov. That Office will allocate seats based on requests received, and will communicate to the Sheriff's Office the names of media members allotted seats reserved for media. Members of the media should arrive at 8:00 a.m. on the dates of the proceedings.

9. The remaining seats will be made available to members of the public on a first-come/first-served basis. The Sheriff will establish procedures to govern orderly entry to the Courthouse and to the courtroom and exit therefrom.

10. If demand for seating exceeds the capacity of Courtroom 234, overflow seating may be made available to members of the media and the public in the gallery of another courtroom on the second floor of Courthouse East based on the courtroom capacity

as determined by the court. A live video/audio feed from Courtroom 234 will be furnished to this Courtroom. Seats in the overflow courtroom will be allotted pursuant to the procedure set forth in paragraphs 8 and 9 of this order. All electronic devices, including cell phones, laptops and tablets, must be turned off inside the overflow courtroom, unless express permission is given by Judge Williams.

11. No food or drink is permitted in any courtroom. Smoking is not allowed anywhere in the Courthouse. Persons who leave the courtroom during proceedings will not be readmitted until the next recess.

12. After court adjourns each day, trial exhibits will be made available for viewing by media representatives, for a maximum of 60 minutes in the courtroom, unless otherwise ordered by the Court. The exhibits shall be available only one time for the purposes of access by members of the media.

13. The courtroom clerks assigned to the Court for these proceedings shall serve as coordinator of the viewing of trial exhibits and as custodian of same. Sheriff's deputies shall be present during the viewing of the exhibits.

14. No video or still photography of the exhibits will be permitted. Certain trial exhibits shall be handled by court-approved technicians or specialists only.

15. Neither members of the media nor any other person shall contact, photograph, or interview jurors during the course of these proceedings.

16. Members of the media shall not photograph or video vehicles transporting jurors by any means, including aerial surveillance.

17. The deputy sheriffs shall escort the members of the jury to and from the Courthouse on each day of trial proceedings. The deputy sheriffs shall apprehend anyone attempting to interfere with the members of the jury and refer them to the court for appropriate sanctions.

18. No one shall be permitted to enter Courtroom 234 or remain therein during these proceedings who is wearing any item on his or her person or exhibiting any sign which, in the opinion of the Court, may tend to influence any juror or affect the orderly administration of these proceedings.

19. Members of the Circuit Court staff shall not be photographed or interviewed regarding this case.

20. A designated room in Courthouse East (Room 235) will be set aside for use by the media on the dates of the hearing. Use of electronic devices will be permitted in this room.

21. No media conferences or interviews with attorneys, parties, or witnesses shall be conducted in the Courthouse or at the front entrance of the Courthouse. Members of the media nor or other person may not impede foot traffic on the sidewalks in front of Courthouse East or obstruct access to the Courthouse. Parking restrictions will be strictly enforced.

22. The Sheriff's deputies are authorized to enforce compliance with this Order and are empowered to remove any person who fails to comply with its terms. Violations of this Order will subject the violator to a revocation of all media privileges, to

exclusion from the Courthouse, and, if appropriate, to the contempt powers of the Court.

23. This Order is subject to modification by the Court at any time.

W. MICHEL PIERSON, Judge
Judge's signature appears on original document

W. Michel Pierson
Administrative Judge

EXHIBIT 17

Bloomberg BNA Media Law Reporter®

12 Med.L.Rptr. 1973
Will of Johnson, In re
New York Surrogate's Court, New York County

No. 2516/83

April 1, 1986

PROBATE PROCEEDING, WILL OF J.S. JOHNSON, a/k/a J. SEWARD JOHNSON and JOHN SEWARD JOHNSON, Deceased, a Non-Resident of the State of New York

Headnotes

NEWSGATHERING

Access to places—Private property (▸40.13)

"Jury view" of decedent's home, which has been requested in probate proceeding, will not be permitted by court unless reasonable access to members of public is permitted.

Case History and Disposition

News media organizations seek permission to accompany court and jury on "jury view" of decedent's home.

Court orders that jury view will not be permitted unless reasonable access to members of the public is permitted.

Attorneys

Susan E. Weiner, of Patterson, Belknap, Webb & Tyler, New York, N.Y., for WPIX, Inc.

Devereux Chatillon and Ellen L. Rosen, of Cahill Gordon & Reindel, New York, for WNBC-TV.

Edward J. Reilly, of Milbank, Tweed, Hadley & McCloy, New York, for children-contestants.

Robert M. Osgood, of Sullivan & Cromwell, New York, for proponents.

Opinion Text

Opinion By:

Lambert, Surrogate:

Full Text of Opinion

This is an application by WNBC-TV and WPIX-INN for permission to accompany the Court and jury if a jury view is conducted at the decedent's home known as Jasna Polana. The home is located near Princeton, New Jersey. The movants contend that such a jury view is an extension of the courtroom and that the public's right to access should not be impeded. The application is opposed by proponents who have requested the trip. It is their position that security and other considerations prevent them from allowing access and that this Court is without authority to require them to do so.

CPLR §4110-c(1) permits a Court to conduct a jury view where it would "be helpful to the jury in determining any material factual issue." Whether a jury view should be authorized is left to the discretion of the Court. Where as here the request is to conduct the trial at a different venue, consideration must be given to the right of the public to have access. In view of the fact that the jury inspection here will involve a trip across state lines and that the Court recognizes that the proponent widow has a right to privacy, the Court will not order her to permit the public to be allowed on the premises. The Court, however, in its discretion, will not permit the jury view to occur unless reasonable access to members of the public is permitted. Accordingly, the request for a jury observation is denied unless such a provision is made.

The Court notes that WNBC-TV, in its brief, has indicated a willingness to either pool television coverage or to forego it entirely. Reasonable access can be accomplished in ways which would both protect the proponent's concerns and provide representative media coverage. This decision shall constitute the order of this court.

- End of Case -

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EXHIBIT 18

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER

SETTING MINIMUM REQUIREMENTS FOR COURT REPORTING AND TRANSCRIPTION IN MARYLAND COURTS

WHEREAS, The *Ad Hoc* Court Reporters Committee has recommended the need for minimum standards for court reporting, including certification, orientation and education requirements, and procedural guidelines; and

WHEREAS, Maryland Rule 16-404 grants to the Chief Judge of the Court of Appeals broad authority with respect to regulations and standards for *inter alia* the selection, qualifications and responsibilities of court reporters and relating to court reporting and transcription generally; and

WHEREAS, Exercise of this authority has been limited to requirements related to transcription format and charges; and

WHEREAS, Consolidation of the current requirements in a single Administrative Order would be beneficial;

WHEREAS, Creation of a standing committee to provide advice and assistance with regard to various aspects of court reporting has been recommended;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Constitution and Maryland Rule 16-404, do hereby order this 16th day of February, 2005, that:

1. Definitions.

a. In General. In this Order the following words have the meanings stated.

b. Committee. "Committee" means the Court Reporting Committee.

c. Court Reporting. "Court reporting":

(1) means the act of making the official verbatim record – that is one that reflects accurately the spoken word and nonverbal communication and action in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the making of a transcript by a transcriber or other individual who certifies the transcript.

d. Disposal. "Disposal" means destruction or erasure.

e. Notes. "Notes":

(1) means the official verbatim record of a proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and

(2) includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

2. Scope.

a. Providers. This Order shall apply to all applicants for employment and personnel employed or contracted for court reporting services.

b. Records. This Order does not apply to a record that is subject to

disposition under Maryland Rule 16-818.

c. Unofficial Transcribers. Nothing in this Order is to be construed to prevent a party from retaining, at the party's expense, a reporter to preserve an unofficial record, or provide the party with an unofficial transcript, of all or part of a proceeding when the official reporter is unable to provide communication access realtime translation for a deaf or hard of hearing individual or realtime translation or expedited delivery of a transcript for a party.

3. Court Reporting Committee.

a. Created. There is a Court Reporting Committee.

b. Membership. The Committee shall consist of the following members:

(i) The Chief Clerk of the Court of Special Appeals, as Chair of the Committee;

(ii) A court administrator, appointed by the Chief Judge of the Court of Appeals in consultation with the Chair of the Conference of Circuit Judges;

(iii) The Chair of the Conference of Circuit Court Clerks;

(iv) The Chief Clerk of the District Court;

(v) A representative of the Judiciary's Department of Human Resources, appointed by the Chief Judge of the Court of Appeals;

(vi) Providers of court reporting services representing the various methods currently in usage within Maryland, as appointed by the Chief Judge of the Court of Appeals;

(vii) Lawyers using court reporting services, as appointed by the Chief Judge of the Court of Appeals; and

(viii) Any other individual appointed by the Chief Judge of the

Court of Appeals.

c. Advisors. The Committee may invite others to provide advice to or otherwise to participate in the Committee's work, through invitations to public fora, appointment to subcommittees or assignment of specific tasks such as statistical and academic research.

d. Meetings.

(1) The Committee shall meet at the call of the Chair.

(2) A majority of the members actually serving on the Committee shall constitute a quorum for the transaction of business.

e. Functions. The Committee shall:

(1) recommend, to the Chief Judge of the Court of Appeals, certification criteria, including continuing education requirements, appropriate for individuals, whether employed by or contracting with a court, providing court reporting services in connection with court proceedings;

(2) assist the Judiciary's Department of Human Resources in the development of appropriate application forms and other employment or contractual materials related to court reporting services;

(3) develop and recommend, to the Chief Judge of the Court of Appeals, an orientation program for providers of court reporting services;

(4) recommend, to the Chief Judge of the Court of Appeals, changes to the *Court Reporting Manual* necessary from time to time, with particular attention initially to draft Sections 7 and 9;

(5) from time to time, make recommendations to the Chief Judge of the Court of Appeals with regard to appropriate charges for transcripts; and

(6) develop and recommend, to the Court of Appeals, standards formulated with the goal of ensuring usable electronic versions.

f. Staff. The Administrative Office of the Courts shall provide staff assistance to the Committee.

4. Personnel Requirements.

a. Applicants and Providers. Each applicant, and individual selected, by a court to provide court reporting services shall:

(1) submit to the court a completed application on a form provided by the Department of Human Resources and other documentation of qualifications as may be required by that Department;

(2) have certification or formal qualification credentials recognized by the Chief Judge of the Court of Appeals and meet other qualification standards as set by that court; and

(3) complete an orientation program on matters such as the Maryland court system, professional and ethical conduct in court reporting, and legal terminology, as may be approved by the Chief Judge of the Court of Appeals.

b. Courts.

(1) Whenever a court requires court reporting services , the court shall employ or contract for the services of an individual who meets the qualifications set under this Order. A court may contract for these services either directly with an individual or with an agency undertaking to provide a qualified individual.

(2) If, notwithstanding subsection (1), a court must use an individual who does not satisfy the qualifications set under this Order, the court shall establish that the individual is qualified to provide court reporting services.

5. Manual.

Each individual selected for court reporting must comply with requirements set forth in the *Court Reporting Manual*, as revised from time to time under the direction of the Chief Judge of the Court of Appeals. This requirement does not apply to draft Sections 7 and 9 of the *Manual*.

6. Ownership of Notes.

Notes compiled by an individual while employed by, or under contract with, a court or by a subcontractor of a court, are property of the State of Maryland.

7. Filing and Storage of Notes.

a. Filing. Each individual providing court reporting services shall file notes in accordance with the policy approved by the Circuit Administrative Judge in the case of a circuit court or by the Chief Judge of the District Court in the case of that Court.

b. Storage. Notes are to be stored in a manner that preserves them for future use, as needed.

8. Transcripts.

a. Preparation Protocol.

(1) Subject to paragraphs (2) and (3) of this subsection, a court reporter shall begin work on a transcript immediately after receiving a written request and shall deliver the completed transcript to the appropriate clerk or register.

(2) This subsection does not prevent a court reporter from requesting a deposit from the person ordering a transcript and does not require a court

reporter to give the person a copy of the transcript before payment in full.

(3) In consultation with each supervisory court reporter in a circuit, the Circuit Administrative Judge shall develop protocols whereby a court reporter may ask permission to defer preparation of a transcript, or its delivery to a court, until payment in accordance with a schedule approved by the Circuit Administrative Judge. The protocols shall provide for due consideration to the complexity of the request, the payment history of the attorney or other person requesting the transcript, and other factors affecting unnecessary delay in the appellate process and just compensation of the court reporter.

b. Charges. The transcript charges for regular copies shall be as follows:

(1) For the original of a transcript ..... $3 per page

(2) For the first copy ..... 50¢ per page

(3) For a second copy ..... 25 ¢ per page

(4) Total for original and two (2) copies .... $3.75 per page

(5) For an original with a disk ..... $3.75 per page

c. Itemization. An individual providing court reporting services shall provide, on request of the Administrative Office of the Courts, a court, or a party, a written itemization of all rates and charges as to each party to a proceeding.

d. Substitute Transcribers. A supervisory court reporter may cause a transcript to be prepared from notes in the event of the inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

9. Disposition of Notes.

a. Scope. This Section does not apply to:

(1) a recording of a grand jury proceeding; or

(2) an electronic tape recording made by or for a master.

b. Retention Periods. Subject to the limitations in this Section, with the written approval of a Circuit Administrative Judge, a clerk of court may dispose of notes at any time after the expiration of the following periods:

(1) in a civil case, 5 years after the notes are taken; and

(2) in a criminal case, 12 years after the notes are taken.

c. Disposition Schedule.

(1) At intervals set by a Circuit Administrative Judge, each individual providing court reporting services in the circuit or a designee of the Circuit Administrative Judge shall draft a schedule for disposal of notes.

(2) The supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall submit:

(i) a schedule for a circuit to the State Archives for its recommendations; and

(ii) a schedule and the recommendations of the State Archives to the Circuit Administrative Judge.

(3) A Circuit Administrative Judge may approve or disapprove a schedule. Approval of a schedule shall be in writing and shall be deemed a court order for disposal of the notes in accordance with the schedule.

(4) As approved, each schedule shall:

(i) identify the notes, by case name and number, or by reference to permanent source documents such as the court's dockets and minutes of proceedings;

(ii) state the date on which, or the inclusive dates

during which, the notes were taken;

(iii) state whether the State Archives accepts or declines to accept the notes for preservation;

(iv) state the manner in which notes that the State Archives has declined to accept will be disposed of; and

(v) state the place to which notes that the State Archives has accepted will be removed.

d. Removal. Notes that the State Archives accepts shall be removed in accordance with the procedures for the Archives.

e. Disposal Certificate. After disposal of notes, the supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall send a certificate of disposal to the State Archives.

10. Application.

a. Prospective. This Order shall apply to the employment of an individual to provide court reporting services and to the contracting for court reporting services entered into or renewed on or after the effective date of this Order.

b. Current Providers. This Order may not be construed to require the termination of the services of any individual employed by a court to provide court reporting services, or under contract to provide court reporting services.

11. Rescission of Prior and Conflicting Orders.

The Administrative Orders dated November 21, 1975, October 15, 1980, June

20, 1986, December 10, 1987, January 10, 1990, and June 22, 1998, are hereby rescinded. The Administrative Memoranda of the Chief Judge of the Court of Special Appeals dated March 11 and 14, 1997, are hereby rescinded.

12. Effective Dates.

Sections 1 and 3 of this Order shall take effect immediately. The balance of this Order shall take effect on April 18, 2005.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: February 16, 2005

/s/ Alexander L. Cummings
Clerk
Court of Appeals of Maryland

EXHIBIT 19

12/23/15 CRIMINAL COURT OF BALTIMORE PUBLIC ACCESS CASE INQUIRY 14:36
CASE 115141037 ST A PORTER, WILLIAM G OFFICER A02386 COD V DOM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 101315 SCB DEF'S MOTION FOR SUMMONS OF OUT OF STATE WITNESS FLD
COMM 101315 SCB STATE'S RESPONSE TO DEF'S MOTION FOR SUBPOENA FOR
COMM 101315 SCB TANGIBLE EVIDENCE FLD (1)
COMM 101315 SCB STATE'S RESPONSE TO DEF'S MOTION FOR SUBPOENA FOR
COMM 101315 SCB TANGIBLE EVIDENCE FLD (2)
COMM 101315 SCB STATE'S RESPONSE TO DEF'S MOTION FOR SUBPOENA FOR
COMM 101315 SCB TANGIBLE EVIDENCE FLD (3)
COMM 101315 SCB STATE'S RESPONSE TO DEF'S MOTION FOR SUBPOENA FOR
COMM 101315 SCB TANGIBLE EVIDENCE FLD (4)
HCAL 101315 CKW P31;0900;528 ;JT ; ;CONT; ;WILLIAMS, BARRY;BC9
COMM 101315 CKW DEFENSE MOTION TO SUPPRESS STATEMENT IS HEREBY HEARD AND
COMM 101315 CKW DENIED; CASE CONTINUED ON 11/30/15 PT31; MOTIONS SEALED**
COMM 101315 CKW EXHIBITS-STATE #1; DEFENSE-#1 & #2
COMM 101415 CKW DATE STAMPED AND ORDERED ON 10/14/15 THAT IN CONSIDERATION
COMM 101415 CKW OF DEF'S JOINT MOTION TO COMPEL AND FOR SANCTIONS, THE COURT
COMM 101415 CKW HAVING FOUND THAT THE STATE HAS FAILED TO PRODUCE
COMM 101415 CKW INFORMATION THIS COURT DEEMS EXCULPATORY, IT IS THIS 14TH
COMM 101415 CKW DAY OF OCTOBER 2015 HEREBY ORDERED THAT DEF'S MOTION IS
COMM 101415 CKW GRANTED IN PART AND HEREBY ORDERD THAT THE STATE ON OR

EVENT DATE	OPER	PART TIME ROOM REAS / EVENT COMMENT
COMM 110915	CPR	MR. GRAY'S ARREST NOT BEING SUPPORTED BY PROBABLE CAUSE, OR
COMM 110915	CPR	MR. GRAY'S ARREST NOT BEING OTHERWISE LEGALLY JUSTIFIED
COMM 110915	CPR	STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE
COMM 110915	CPR	TESTIMONY AND EVIDENCE CONCERNING INFORMATION NOT PERSONALLY
COMM 110915	CPR	KNOWN BY DEFENDANT OFFICER PORTER PRIOR TO HIS INTERACTION
COMM 110915	CPR	WITH MR. FREDDIE GRAY ON APRIL 12, 2015
COMM 110915	SCY	(2) - STATE'S MOTIONS 11/9/15 FILED UNDER SEAL
COMM 111015	SCY	STATE'S PETITION TO SECURE THE ATTENDANCE OF PRISONER
COMM 111015	SCY	WITNESS FROM THE COMMONWEALTH OF PENNSYLVANIA TO TESTIFY
COMM 111015	SCY	IN THE STATE OF MD. PURSUANT TO MD. COURTS, AND JUDICIAL
COMM 111015	SCY	PROCEEDINGS 9-303 TO COMPLY WITH PENNSYLVANIA STATUTES ANN.,
COMM 111015	SCY	42; PA.C.S.5971-79 FLD
COMM 111015	SCY	DATE STAMPED & ORDERED 11/10/15, WHEREFORE, THE COURT HAVING
COMM 111015	SCY	DULY CONSIDERED THE MATTER AND GOOD CAUSE HAVING BEEN SHOWN,
COMM 111015	SCY	IT IS CERTIFIED ON THIS 10TH DAY OF NOVEMBER, 2015, THAT THE
COMM 111015	SCY	MATERIAL WITNESS IN THE CASE OF STATE OF MD. VS. DEFT, AND
COMM 111015	SCY	THAT THE PRESENCE OF THE SAID WITNESS IS REQUIRED FOR THE
COMM 111015	SCY	PURPOSE OF GIVING TESTIMONY AT THE TRIAL OF SAID CASE TO BE
COMM 111015	SCY	HELD ON NOVEMBER 30, 2015, AND EXPECTED TO BE COMPLETED BY

12/23/15 CRIMINAL COURT OF BALTIMORE PUBLIC ACCESS CASE INQUIRY 14:36
CASE 115141037 ST A PORTER, WILLIAM C OFFICER A33386 COD Y DCM C 990215

EVENT DATE	OPER	PART TIME ROOM REAS / EVENT COMMENT
COMM 111215	S8M	INFORMATION ABOUT THE VICTIM FLD
COMM 111215	S8M	STATE'S MOTION IN LIMINE TO ALLOW JURORS TO VIEW AND
COMM 111215	S8M	EXAMINE THE POLICE WAGON THAT TRANSPORTED THE VICTIM FLD
COMM 111215	S8M	DEF'S MOTION IN LIMINE TO PRECLUDE TESTIMONY AND EVIDENCE
COMM 111215	S8M	CONCERNING BALTIMORE POLICE DEPARTMENT GENERAL ORDERS AND
COMM 111215	S8M	POLICIES AS THEY RELATE TO THE USE OF SEATBELTS IN POLICE
COMM 111215	S8M	VEHICLES FLD
COMM 111215	S8M	DEF'S MEMORANDUM IN SUPPORT OF ADMISSIBILITY OF
COMM 111215	S8M	CHARACTER EVIDENCE FLD
COMM 111215	S8M	DEFENDANT'S MOTION IN LIMINE RE. PEREMPTORY STRIKES FLD
COMM 111215	S8M	DEFENDANT'S MOTION IN LIMINE TO EXCLUDE VIDEO EVIDENCE FLD
COMM 111215	SCY	(2) DEF'S MOTIONS FILED 11/12/15 UNDER SEAL
COMM 111215	SCY	DEF'S MOTIONS 11/12/15 FILED UNDER SEAL
COMM 111215	SCY	(2) - STATE'S MOTIONS 11/12/15 FILED UNDER SEAL
COMM 111215	SCY	(2) - DEF'S MOTIONS 11/12/15 FILED UNDER SEAL
COMM 111315	SCY	STATE'S MOTION 11/13/15 FILED UNDER SEAL
COMM 111315	SCY	STATE'S MOTION FLD 11/13/15 UNDER SEAL
COMM 111615	CPR	MOTION TO DISCLOSE WITNESS
COMM 111715	SCY	DATE STAMPED & ORDERED 11/13/15, ORDER FLD UNDER SEAL.

EVENT DATE	OPER	PART	TIME	ROOM	REAS / EVENT COMMENT
COMM 111715	SCY				WILLIAMS, J (CC: JOSEPH MURTHA, ATTY FOR DEFT, JANICE
COMM 111715	SCY				BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 111715	SCY				FOR BALTO. CITY)
COMM 111715	SCY				DATE STAMPED & ORDERED 11/13/15, ORDER FILED UNDER SEAL.
COMM 111715	SCY				WILLIAMS, J (CC: JOSEPH MURTHA, ATTY FOR DEF, JANICE
COMM 111715	SCY				BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 111715	SCY				FOR BALTO. CITY)
COMM 111715	SCY				DATE STAMPED & ORDERED 11/16/15, ORDER FILED UNDER SEAL.
COMM 111715	SCY				WILLIAMS, J (CC: JOSEPH MURTHA, ATTY FOR DEF, JANICE
COMM 111715	SCY				BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 111715	SCY				FOR BALTO. CITY)
COMM 111715	SCY				DATE STAMPED & ORDERED 11/16/15, ORDER FILED UNDER SEAL.
COMM 111715	SCY				WILLIAMS, J (CC: JOSEPH MURTHA, ATTY FOR DEF, JANICE
COMM 111715	SCY				BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 111715	SCY				FOR BALTO. CITY)
COMM 111715	SCY				DEF'S RESPONSE TO STATE'S MOTION IN LIMINE TO LIMIT THE
COMM 111715	SCY				NUMBER AND TESTIMONY OF THE DEF'S PROPOSED CHARCACTER
COMM 111715	SCY				WITNESSES FLD
COMM 111715	SCY				DEFENDANT RESPONSE TO VARIOUS STATE MOTIONS FLD

12/23/15 CRIMINAL COURT OF BALTIMORE PUBLIC ACCESS CASE INQUIRY 14:36
CASE 115141037 ST A PORTER, WILLIAM C OFFICER A322286 COD Y DCM C 000215

EVENT DATE	OPER	PART TIME ROOM REAS / EVENT COMMENT
COMM 111715	SCY	STATE'S RESPONSE TO DEF'S MOTION IN LIMINE REGARDING
COMM 111715	SCY	PEREMPTORY STRIKES FLD
COMM 111715	SCY	STATE'S RESPONSE TO DEF'S MOTION IN LIMINE TO PRECLUDE
COMM 111715	SCY	TESTIMONY AND EVIDENCE CONCERNING BALTIMORE POLICE DEPT.
COMM 111715	SCY	GENERAL ORDERS AND POLICIES AS THEY RELATE TO THE USE OF
COMM 111715	SCY	SEATBELTS IN POLICE VEHICLES FLD
COMM 111715	SCY	STATE'S RESPONSE TO DEF'S MOTION IN LIMINE TO EXCLUDE
COMM 111715	SCY	VIDEO EVIDENCE FLD
COMM 111715	SCY	(2) - STATES' MOTION FLD 11/17/15 UNDER SEAL
COMM 111815	SCY	DATE STAMPED & ORDERED 11/17/15, ORDER FILED UNDER SEAL
COMM 111815	SCY	WILLIAMS, J (CC: JOSEPH MURTHA, ATTY FOR DEF JANICE
COMM 111815	SCY	BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF STATE'S ATTY FOR
COMM 111815	SCY	BALTO. CITY)
COMM 111915	SCY	DATE STAMPED 11/19/15, & ORDERED 11/18/15, THAT ALL
COMM 111915	SCY	PROVISIONS OF THE SECURITY/MEDIA PROTOCOL ORDER DATED
COMM 111915	SCY	AUGUST 26, 2015 SHALL APPLY TO THIS HEARING DATED NOVEMBER
COMM 111915	SCY	24, 2015. PIERSON, J
COMM 111915	SCY	(CC: JOSEPH MURTHA, ATTY FOR DEF, JANICE BLEDSOE, DEPUTY
COMM 111915	SCY	STATE'S ATTY, OFFICE OF THE STATE'S FOR BALTO. CITY)

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12/23/15  CRIMINAL  COURT  OF  BALTIMORE    PUBLIC ACCESS  CASE INQUIRY  14:36
CASE 115141037 ST A PORTER, WILLIAM S OFFICER      A33386  COD Y DOM C 090213
EVENT DATE   OPER PART TIME ROOM REAS / EVENT COMMENT
HCAL 120315 1 CNN P31;0900;528 ;JT  ;  ;CONT;   ;WILLIAMS, BARRY;8C9
COMM 120315   CNN CASE CONTINUED ON 12/04/15 PART 31; FILE IN COURT;
COMM 120315   CNN DEFT. PLEA NOT GUILTY
COMM 120415   CNN CSET JT  ; P31; 12/03/15; CNN
HCAL 120415 1 lgj P31;0900;528 ;JT  ;  ;CONT;   ;WILLIAMS, BARRY;8C9
COMM 120415   lgj CASE NOT CONCLUDED; CONTINUED TO 12/07/15 IN PART 31
COMM 120715   lgj CSET JT  ; P31; 12/04/15; lgj
HCAL 120715 1 CKW P31;0930;528 ;HEAR;  ;CONT;   ;WILLIAMS, BARRY;8C9
COMM 120715   CKW JURY #124 IS EXCUSED AND JURY #247 SHALL REPLACE HER ETC;
COMM 120715   CKW CASE CONTINUE ON 12/8/15 PT34; FILE IN COURT; MOTIONS: 1)
COMM 120715   CKW DEFENSE MOTION FOR DISMISSAL IS HEREBY HEARD AND DENIED;
COMM 120715   CKW 2) DEFENSE MOTION FOR MISTRIAL IS HEREBY HEARD AND DENIED
COMM 120715   CKW 3) DEFENSE MOTION TO STRIKE ALL MEDICAL TESTIMONY IS HEREBY
COMM 120715   CKW HEARD AND DENIED; 4) DEFENSE MOTION TO ENTER JOINT EXHIBIT
COMM 120715   CKW #2 IS HEREBY HEARD.. GRANTED; JOINT EXHIBIT #2 IS SEALED
COMM 120815   CKW CSET HEAR; P31; 12/07/15; CKW
COMM 120815   CKW AT THE END OF STATE'S CASE... DEFS MOTION FOR JUDGEMENT OF
COMM 120815   CKW ACQUITTAL IS HEREBY HEARD AND DENIED; THIS CASE SHALL
COMM 120815   CKW CONTINUE ON 12/9/15 PT31 9AM
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12/23/15 CRIMINAL COURT OF BALTIMORE PUBLIC ACCESS CASE INQUIRY 14:36
CASE 115141037 ST A PORTER, WILLIAM G OFFICER 032396 COD Y DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 121015 SCY CTR. TO THE CIRCUIT COURT FOR BALTO. CITY IN ORDER TO APPEAR
COMM 121015 SCY AS A WITNESS IN THE ABOVE REFERENCED MATTER. IT IS FURTHER
COMM 121015 SCY ORDERED THAT WHILE WITNESS IS AT THE BALTO. CITY CIRCUIT
COMM 121015 SCY COURT, THE CARE AND CUSTODY OF THE INMATE WILL BE THE
COMM 121015 SCY RESPONSIBILITY OF THE BALTO. CITY SHERIFF'S DEPT. AND
COMM 121015 SCY FURTHER ORDERED THAT UPON COMPLETION OF HIS TESTIMONY, THE
COMM 121015 SCY BALTO. CITY SHERIFF'S DEPT. SHALL TRANSPORT WITNESS BACK
COMM 121015 SCY TO THE HOWARD COUNTY DETENTION CENTER. WILLIAMS, J
COMM 121015 SCY (CC: JOSEPH MURTHA, ATTY FOR DEFT, JANICE BLEDSOE, DEPUTY
COMM 121015 SCY STATE'S ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO. CITY)
HCAL 121015 1 lgj P31;0900;528 ;JT ; ;CONT; ;WILLIAMS, BARRY;8C9
COMM 121015 lgj DEFENSE MOTION TO HAVE A HEARING FOR WITNESS OUTSIDE THE
COMM 121015 lgj PRESENT OF THE JURY IS HEREBY HEARD AND DENIED; DEFENSE
COMM 121015 lgj MOTION FOR A CHARGE OF VENUE WAS HEARD AND DENIED; DEFENSE
COMM 121015 lgj MOTION FOR A MISTRIAL IS HEREBY HEARD AND DENIED; FILE IN
COMM 121015 lgj COURT
COMM 121115 SCY BENCH CONFERENCE SEALED; STATE'S MOTION TO PRECLUDE
COMM 121115 SCY CHARACTER TESTIMONY TO TRAIT OF PEACE AND GOOD ORDER
COMM 121115 SCY IS HEARD AND DENIED; STATE'S MOTION TO PREVENT TESTIMONY