

2016 JAN 15 P 4:08

STATE OF MARYLAND

v.

ALICIA WHITE

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141036

CRIMINAL DIVISION

**STATE'S MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OF, ARGUMENT
ABOUT, OR REFERENCE TO CERTAIN INFORMATION REGARDING THE
VICTIM**

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City; Michael Schatzow, Chief Deputy State's Attorney for Baltimore City; Janice L. Bledsoe, Deputy State's Attorney for Baltimore City; and Matthew Pillion, Assistant State's Attorney for Baltimore City; and pursuant to Rule 4-252(d) moves this Court *in limine* to issue a pretrial order precluding the Defendant in this case from offering evidence of, argument about, or reference to certain information regarding the victim in this case, Mr. Freddie Gray, which the State believes is irrelevant and/or inadmissible. In support of this Motion, the State submits the following:

1. Based on his counsel's prior actions and statements, the State has reason to believe that the Defendant will attempt at trial to offer evidence of, argument about, or reference to certain information about the victim in this case in an attempt to confuse, mislead, and prejudice the jury. This offered information may cover such topics as Mr. Gray's criminal record, prior encounters with law enforcement or corrections officials, prior criminal cases and attorney representation in those cases, prior hospitalizations, prior civil claims or settlements, and/or lead paint exposure as a child. All such information about Mr. Gray is not relevant to any legally consequential matter in this case. Indeed, there is no indication that Sergeant White even knew the identity of Mr. Gray at the time of the incident underlying this prosecution. What she learned *post hoc* is irrelevant.

2. “Evidence that is not relevant is not admissible” at trial. Rule 5-402. To be deemed relevant, the evidence must have a “tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Rule 5-401. A “consequential fact” is also called a “material proposition,” and “[m]ateriality looks to the relation between the proposition for which the evidence is offered and the issues in the case.” *Smith v. State*, 423 Md. 573, 590 (2011). Even when evidence is relevant, it “may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury” Rule 5-403.

3. In this case, the issues that the jury will consider bear zero relation to the misleading, confusing, and prejudicial propositions for which the Defendant would offer evidence, argument, or reference to Mr. Gray’s alleged criminal record, prior encounters with law enforcement or corrections officials, prior criminal cases and attorney representation in those cases, prior hospitalizations, prior civil claims or settlements, and/or lead paint exposure as a child. Allowing the Defendant to offer information about any of these allegations would demonstrate no lesser probability that the Defendant’s actions risked or caused Mr. Gray’s injury or death or that the Defendant any less probably engaged in misconduct in office.

Wherefore, the State asks that this Court issue a pretrial order precluding the Defendant in this case from offering evidence of, argument about, or reference to certain information regarding the victim, Mr. Freddie Gray, specifically information about Mr. Gray’s alleged criminal record, prior encounters with law enforcement or corrections officials, prior criminal

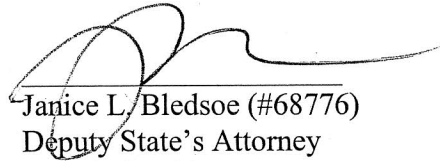
cases and attorney representation in those cases, prior hospitalizations, prior civil claims or settlements, and/or lead paint exposure as a child.

Respectfully submitted,

Marilyn J. Mosby



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



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



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

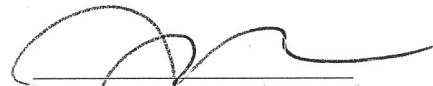
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2016, a copy of the State's Motion *in Limine* to Preclude Evidence of, Argument about, or Reference to Certain Information Regarding the Victim was mailed and e-mailed to:

Ivan Bates, Tony Garcia, & Mary Lloyd
201 N. Charles Street, Suite 1900
Baltimore, Maryland 21201
(410) 814-4600
ivan@batesgarcia.com
Attorneys for Sergeant Alicia White

Respectfully submitted,

Marilyn J. Mosby



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