

STATE OF MARYLAND

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IN THE DISTRICT COURT

V.

FOR

EDWARD NERO

BALTIMORE CITY

CASE NO: 4B02294450

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MOTION TO INSPECT PHYSICAL EVIDENCE

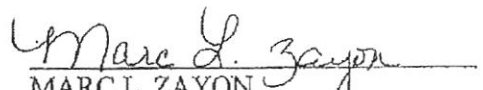
Now comes Edward Nero, defendant, by Marc L. Zayon and Roland Walker & Marc L. Zayon, P.A., his attorneys, and respectfully requests, pursuant to Maryland Rule 4-262, that this Court order the Baltimore City State's Attorney's Office as well as the Baltimore City Police Department to produce and make available for inspection by defendant's independent representative the knife seized in this matter in order to make an independent determination of legality. In support of this Motion, Defendant states that:

1. Defendant is charged with two (2) counts of assault in the second degree, two (2) counts of misconduct in office and one (1) count of false imprisonment.
2. That the charges arise from an incident alleged to have occurred on April 12, 2015, on which date it is alleged that the Defendant, along with other members of the Baltimore City Police Department, unlawfully arrested Freddie Gray ("Gray").
3. That it is alleged that after detaining the arrestee, the Defendant located a knife clipped to the inside of the arrestee's pants pocket, and with the blade folded into the handle. The State baldly asserts that "the knife was not a switchblade knife and is lawful under Maryland law." The State further suggests that the Defendant "failed to establish probable cause for Mr. Gray's arrest as no crime had been committed," and accordingly, the Defendant "illegally arrested Mr. Gray," resulting in the charges herein.
4. Upon investigation, undersigned counsel believes and avers that the evidence requested will supply relevant and material evidence pertaining to Defendant's innocence, which cannot be obtained or verified elsewhere. Specifically, defendant believes that a careful

inspection of the knife recovered from Mr. Gray will reveal specific characteristics of the knife which will reveal that the knife was not lawful under Maryland law, and as such, the Defendant did not illegally arrest Mr. Gray.

5. The evidence requested is necessary for effective preparation of Defendant's defense. Trial is currently set for May 27, 2015.

**WHEREFORE**, the defendant moves the Court to order immediate production of the requested evidence for inspection.

  
MARC L. ZAYON  
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Baltimore, Maryland 21201  
410-727-3710  
*Attorneys for Defendant*

**RULE 1-322.2 CERTIFICATE**

I HEREBY CERTIFY that I have complied with Rule 1.322.1, regarding the exclusion of personal identifier information in court filings.

  
MARC L. ZAYON

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2015, a copy of the foregoing Motion to Inspect Physical Evidence was mailed, first class mail, postage prepaid to: Marilyn Mosby, Esq., State's Attorney for Baltimore City, 120 E. Baltimore Street, Baltimore, Maryland 21202.

  
MARC L. ZAYON