

STATE OF MARYLAND

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IN THE

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CIRCUIT COURT FOR

2015 APR 17 PM 1:27

v.

*

BALTIMORE CITY

*

CAESAR GOODSON,

*

CASE No. 115141032

EDWARD NERO,

*

CASE No. 115141033

GARRETT MILLER,

*

CASE No. 115141034

BRIAN RICE,

*

CASE No. 115141035

ALICIA WHITE, &

*

CASE No. 115141036

WILLIAM PORTER

*

CASE No. 115141037

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OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY'S OPPOSITION TO DEFENDANTS' JOINT MOTION FOR RECUSAL OF BALTIMORE CITY STATE'S ATTORNEY'S OFFICE

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City, and Michael Schatzow, Chief Deputy State's Attorney for Baltimore City, and responds to the Defendant's Joint Motion for Recusal of Baltimore City State's Attorney's Office as follows:

717 876 Rc

INTRODUCTION

This is the third time Defendants have filed this motion, and it is their fifth separate filing, so far, aimed at preventing Baltimore's duly elected prosecutor and her entire office from prosecuting them. Bereft of legal authority and factual support, Defendants spew invective, hoping that vitriol will trump logic.

K. WOOD

In their quest to avoid the consequences of their action and inaction, Defendants fail to acknowledge adverse controlling authority, despite it having been specifically brought to their attention. They make arguments for which they can find no authority. They distort facts when they do not invent them. They abhor logic, so they do not use it.

In a footnote, Defendants claim that this motion is “substantively” different from their two previous “similarly worded” motions “in certain crucial ways.” Defendants’ Joint Motion for Recusal of Baltimore City State’s Attorney’s Office (hereinafter “Defendants’ Joint Motion”), p. 1 at n.1 (emphasis in original). They do not identify these differences. A close reading of their motion does show places where some words have changed, but no discernable difference is apparent. Indeed, the motion remains unchanged where it should be changed, e.g., where controlling adverse authority has been brought to their attention, and where they make arguments based on false imprisonment charges no longer in the case.¹

Defendants first filed this motion in the District Court on May 8. Four days later, despite black letter Maryland law prohibiting the seeking of declaratory relief when the same relief is sought in a pending action, Waicker v. Colbert, 347 Md. 108, 113, 699 A.2d 426, 428 (Md. 1997); Brohawn v. Transamerica Ins. Co., 276 Md. 396, 406, 347 A.2d 842, 849, (Md. 1975); Vargas-Aguila v. State, 202 Md. App. 375, 384, 32 A.3d 496, 501 (Md. Ct. Spec. App. 2011); Polakoff v. Hampton, 148 Md. App. 13, 810 A.2d 1029 (Md. Ct. Spec. App. 2002), Defendants filed a declaratory judgment action in the Circuit Court seeking the same relief. After the Circuit Court denied their motion to shorten to 2 days the otherwise 30 days the State would have to respond, and after the State brought to Defendants’ attention the black letter law referred to above, Defendants properly dismissed their lawsuit for declaratory relief. See Exhibit 1,

¹ Two weeks after filing this Motion, defendants filed a Supplement. The last section of this Opposition responds to the Supplement.

attached. Surprisingly, the dismissal the Defendants sought and received was with prejudice. Id. Having voluntarily sought and received a dismissal with prejudice, Defendants are precluded from seeking the same relief in this motion. ““When the stipulation is made with prejudice, the voluntary dismissal has the same res judicata effect as a final adjudication on the merits favorable to the defendant.”” Claibourne v. Willis, 347 Md. 684, 692, 702 A.2d 293, 297 (Md. 1997). See generally Anne Arundel County Bd. of Educ. v. Norville, 390 Md. 93, 106-108, 887 A.2d 1029, 1036-1038 (Md. 2015). Thus, the motion should be denied on this procedural basis alone.

Defendants cite only one Maryland case involving a prosecutor’s conflict, Sinclair v. State, 278 Md. 243, 363 A.2d 468 (1976). In that case, the prosecutor had represented the bad check victim in a civil suit against the defendant, and in a related case, had allegedly threatened the defendant with the criminal charges he now faced if the defendant appealed a civil case judgment where the prosecutor represented the opposing party. Moreover, the prosecutor had requested another prosecutor to handle the case because of the conflict. Although Defendants devote almost an entire page of their motion to this case, the obvious and all but admitted conflict in Sinclair has no similarity to, nor bearing upon, the conflicts alleged here.

**CONTROLLING AUTHORITY, IGNORED BY DEFENDANTS DESPITE IT
HAVING BEEN BROUGHT TO THEIR ATTENTION, AUTHORIZES THE STATE’S
ATTORNEY’S OFFICE TO INVESTIGATE CRIMES AND GIVE TESTIMONY
WITHOUT CREATING A CONFLICT**

In a broad, novel theory ignoring contrary controlling authority brought to their attention, Defendants claim that their asserted need to question investigators on the payroll of the State’s Attorney’s Office mandates recusal of the Office. No authority is cited for this proposition, nor could there be any. Lawyers in private practice use clerks and investigators on the payroll of the law firm to witness statements and provide testimony if the witness needs to be impeached with

the prior statement. The Maryland Attorney General's Office employs investigators who testify in cases brought by the Attorney General. The Maryland United States Attorney's Office employs investigators who testify in cases brought by the U.S. Attorney. The U.S. Department of Justice includes the Federal Bureau of Investigation, the U.S. Marshall's Office, and other law enforcement agencies that employ investigators who testify in cases brought by the Department of Justice. Why should they be allowed to do so while the State's Attorney's Office is not?

Defendants fail to cite controlling authority that directly contradicts their contention. If they were unaware of this authority the first two times they filed this motion, they were well aware of it by the third time, as it was pointed out to them in the State's Opposition to their District Court motion. In Carr v. State, 50 Md. App. 209, 437 A.2d 238 (Md. Ct. Spec. App. 1981), the defendant contended that the State's Attorney's Office should have been disqualified from prosecuting him because his conviction was based on the testimony of an Assistant State's Attorney from that office who acted as an undercover operative. The argument was based on the then existing equivalent to the Rule of Professional Conduct that the Defendants in the instant case rely on. Roundly rejecting that contention, the Court of Special Appeals specifically approved of the State's Attorney utilizing, for trial testimony, investigators employed by his office, whether lawyers or laymen. Noting the "'broad official discretion to institute and prosecute criminal causes,' Brack v. Wells, 184 Md. 86, 90 (1944)," enjoyed by a State's Attorney, the Court spoke to the precise issue Defendants raise here: "In light of the broad authority given state's attorneys to assign duties to their deputies and assistants, State v. Aquilla, 18 Md. App. 487, 494, 309 A.2d 44, cert. denied, 269 Md. 755 (1973), whether lawyers or laymen, that constitutional officer cannot be charged with exceeding his authority by having investigators attached to his office." Id. at 214.

Defendants' abject failure to cite controlling authority that is contrary to their argument violates Rule 3.3(a)(3) of the Maryland Lawyers' Rules of Professional Conduct, speaks volumes about the frivolity of their motion, and clearly identifies who is playing fast and loose with the rules that govern the legal profession.

THE DEFENDANTS' THREAT TO SELECT A PARTICULAR NON-ESSENTIAL DEFENSE WITNESS TO TESTIFY AT TRIAL TO SOMETHING THAT MANY OTHER WITNESSES COULD TESTIFY TO, IS NO BASIS FOR RECUSAL SIMPLY BECAUSE OF THE EXISTENCE OF A PERSONAL RELATIONSHIP BETWEEN A PROSECUTOR IN THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE AND THAT POTENTIAL WITNESS

The effort by Defendants to create a conflict for the State's Attorney's Office by virtue of Defendant created action after charging is convoluted, defies common sense, and lacks authority. Although this is one area where this motion differs in part from the previous two, the differences, while making the allegations somewhat less offensive and somewhat more accurate, get the Defendants no closer to their goal of establishing a disqualifying conflict.

Essentially, Defendants write that one Donta Allen was a passenger in the police wagon with Mr. Gray during part of the time that Mr. Gray was in the same wagon. Although Defendants have had no legitimate access to Mr. Allen's recorded statement to the police, on the basis of a snippet of the statement in a search warrant affidavit they allege that his statement is helpful to them. Subsequent to his giving the statement, television reporter Jayne Miller had an on air interview with Mr. Allen in which he "somewhat retracted" his statement to the police. Defendants' Joint Motion, p. 15. Consequently, Defendants claim, Ms. Miller becomes a substantive or impeachment witness. Because Ms. Miller is in a relationship with a Deputy State's Attorney working on the above captioned cases, Defendants assert "there is simply no way around this conflict." *Id.* at 15. After reading the State's Opposition to their first conflicts motion, Defendants have abandoned their false claims in their first two recusal motions that Ms.

Miller learned of the existence of Mr. Allen from a Deputy State's Attorney and that Ms. Miller's interview of Mr. Allen was in any way exclusive.

Ms. Miller's interview was the second televised interview given by Mr. Allen. Michael Schuh, a television reporter for Channel 13, did an interview of Mr. Allen, substantively the same as Ms. Miller's, that took place before Ms. Miller interviewed him. Channel 13 boasted that Mr. Schuh was the first to speak with Donta Allen: "WJZ's Mike Schuh is the first to speak with Donta Allen about what he heard."

<http://baltimore.cbslocal.com/2015/04/30/wjz-exclusive-the-other-man-in-the-van-with-freddie-gray-breaks-his-silence/>

What defies common sense is how the Defendants see this playing out at trial. The straw man upon whom their argument is built is that the State "presumably" considered the Miller interview in its charging decision. How it was considered, what weight it was given, and whether the State relied on any of Mr. Allen's statements is not "presumed." From this straw man presumption, Defendants quickly get lost. On the one hand, they say that Mr. Allen's statement to the police is not helpful to the State, but that his statement to Ms. Miller is more "beneficial." Yet their scenario presumes that the State will call Mr. Allen to testify to his unhelpful statement, requiring the Defendants to call Ms. Miller to impeach him with his statement more helpful to the State. One must doubt that this would occur.

If there were any realistic trial scenario where the Defendants truly wanted to bring out the more-beneficial-to-the-state testimony of Mr. Allen, they would get Mr. Allen's "changed" story from Mr. Schuh, the first person to witness the "changed" story. If a court did not determine Ms. Miller's story to be cumulative evidence, Defendants could get her interview without needing to call her as a witness. And if they want her as a witness to provide cumulative

and redundant testimony, that does not create a conflict for the State's Attorney's Office and Defendants cite no case saying that it is.

The Defendants' argument that they, and not the State, get to choose their witnesses is undoubtedly correct, subject to the control of the court. But the freedom to select their witnesses is not the freedom to assert that they will call an unhelpful witness and then claim the appearance of a potential conflict. If Ms. Miller were to be called as a witness, the Deputy with whom she has a relationship would not examine her. There is nothing resembling a conflict because of Ms. Miller's cumulative interview of a potential witness.

THE STATE'S ATTORNEY'S MARRIAGE TO A COUNCILMAN WHO IS NOT A WITNESS, DEFENDANT OR LAWYER IN THIS CASE PRESENTS NO CONFLICT

Defendants contend that Mrs. Mosby has a conflict of interest because her husband is the elected City Council representative of a district impacted by the riots. Without a scintilla of other evidence, they claim that the only reason the State's Attorney sought charges against these Defendants was to enhance the political career of her husband. This is a truly breath-taking non-sequitur. Putting to one side that it ignores the essential facts that (1) Mr. Gray was a healthy enough young man to run immediately before being arrested without probable cause but allegedly died as a result of his treatment while in police custody, (2) that a judicial officer found probable cause to support each and every one of the initial charges against each Defendant, and (3) that a grand jury found probable cause to support each and every one of the current charges against each Defendant, if the Defendants' conflict theory were accepted it would mean that the Baltimore City State's Attorney's Office could prosecute no crimes in an entire Councilmanic District. Surely if that were the rule of prosecutorial conflicts it would exist in writing somewhere, yet Defendants are unable to cite any authority for this startling proposition.

Mrs. Mosby has shown herself to be a strong, forceful and independent woman. She, not her husband, holds an office won in a city-wide election. The notion that she would sacrifice her

moral, professional, and legal obligations to play someone's idea of a seventeenth century housewife is condescending, demeaning, and ridiculous.

Defendants credit Mrs. Mosby's announcement of the charges against them with quelling the riots that began in Baltimore during the last week of April, 2015. Even if that were true, given the independent judicial officers' findings of probable cause, we would have thought that it was in the best interest of every law abiding resident of Baltimore City – not just Mr. Mosby – for all of the rioting, looting, burning and acts of violence to come to an end.

Defendants offer nothing beyond speculation as to Mr. or Mrs. Mosby having any different interest than any other law abiding Baltimore City resident in peace and an end to violence, and they offer no legal authority for their fact-less assertion of conflict of interest. If an elected prosecutor is prohibited from prosecuting cases that may indirectly impact the legislative district of her husband who is also a publicly elected official, one supposes that prohibition would exist elsewhere than in the overwrought writing of the Defendants.

**THE FRIVOLOUS AND INACCURATE TORT CLAIMS NOTICES SERVED BY
THE DEFENDANTS AFTER THEY WERE CHARGED DO NOT GIVE THE STATE'S
ATTORNEY FOR BALTIMORE CITY "A DIRECT FINANCIAL AND
PROFESSIONAL INTEREST IN THE OUTCOME OF THE CASE"**

Six days after charges were filed against the Defendants, they filed Tort Claims Notices with Baltimore and the State of Maryland. The gravamen of these Notices is that the charges are not supported by probable cause because the facts asserted are patently false. Here, too, Defendants' argument fails completely because their "facts" are wrong and the law is against them. First, the facts:

The Tort Claims Notices echo the chorus of Defendants' attorneys' deliberate distortions of the Application for Statement of Charges (hereafter "Application") supporting the charges: "The charges state that the knife, *which was the basis of Freddie Gray's arrest*, was legal and therefore no probable cause existed to arrest him. If in fact the knife was illegal, as the

[Defendants] contend that it was, then the underlying facts that form the basis of the statement of charges would be false.” Defendants’ Joint Motion, Exhibit 3 (emphasis added).

But the Application does not say that the “knife was the basis of Freddie Gray’s arrest.” Although the Application accurately points out that the knife was legal under Maryland law, it makes clear that Mr. Gray was arrested well before the arresting officers knew he possessed a knife. Mr. Gray was handcuffed at his surrendering location, moved a few feet away, and placed in a prone position with his arms handcuffed behind his back, all before the arresting officers found the knife. Application at 2. See, e.g., Pyon v. State, 2015 Md. App. LEXIS 50, 112 A.3d 1130 (Md. Ct. Spec. App. 2015).

Thus, the factual basis for the Claims Notices is wrong as a matter of fact, and could not possibly represent a financial threat to the State’s Attorney. The Defendants have not yet received discovery, so their claims about what the evidence shows must be taken with several shakers (not grains) of salt.

Legally, the Claim is not against her personally and for that reason also presents no financial threat. Moreover, the Application for Statement of Charges initiates a prosecution, and the State’s Attorney has absolute immunity for initiating a prosecution. “[A] decision whether to commence a particular prosecution” is given “absolute prosecutorial immunity...whether that decision is right, wrong, malicious or non-malicious.” Gill v. Ripley, 352 Md. 754, 774, 724 A.2d 88, 98 (Md. 1999). In holding that state prosecutors enjoy the same absolute immunity for alleged violations of 42 U.S.C. 1983 as they do at common law, the Supreme Court gave as one reason the precise situation existing here: “Such suits [damage suits against prosecutors] could be expected with some frequency, for a defendant often will transform his resentment at being prosecuted into the ascription of improper and malicious actions to the State’s advocate.” Imbler v. Pachtman, 424 U.S. 409, 425, 96 S. Ct. 984, 992, 47 L. Ed. 2d 128, 140 (U.S. 1976).

What is truly stunning and disturbing about this farcical defense argument is that the Defendants contend that if the arrest were legal, there is no basis for **any** charges against **any** of the Defendants. Thus, consistent with their acts and omissions on April 12, Defendants are still of the view that once they arrest someone, they are free to engage in conduct that will cause his death, and to refrain from conduct that will save his life.

Finally, in the same Tort Claims section of their Joint Motion, Defendants presuppose that Mrs. Mosby would face disciplinary charges for reading from the publicly available Application for Statement of Charges. This betrays a fundamental misunderstanding of the Gansler case, wishful thinking, or both. “To receive the benefit of the ‘public record’ safe harbor, the lawyer must not provide information beyond quotations from or references to public government records.” Atty. Griev. Comm'n v. Gansler, 377 Md. 656, 692, 835 A.2d 548, 569 (Md. 2003). Mrs. Mosby provided no information that was not in the Application for Statement of Charges, and she therefore has nothing to fear from the Grievance Commission or frivolous civil suits from the Defendants.

MRS. MOSBY’S PAST CONNECTIONS TO THE ATTORNEY FOR THE VICTIM’S FAMILY DO NOT REQUIRE RECUSAL

After the Baltimore City State’s Attorney’s Office began to look into the arrest of and injury to Mr. Gray, his family retained William H. “Billy” Murphy, Jr. to represent them. In looking at the conflicts alleged by Defendants it must be kept in mind that Mr. Murphy represents no one in the criminal cases being pursued by Mrs. Mosby, and that Mrs. Mosby represents no one in the civil cases that Mr. Murphy may bring on behalf of the victim’s estate and/or family. The notion that Mrs. Mosby would bring baseless criminal charges with the entire nation watching just so that Mr. Murphy might have some advantage in the civil case is ludicrous. It is particularly so when one considers that the only advantage to Mr. Murphy

posited by Defendants is if Mrs. Mosby obtains convictions. How will that happen if the charges are baseless?

First, Defendants claim that Mr. Murphy made a “significant” contribution to Mrs. Mosby’s election campaign. In fact, Mr. Murphy donated \$4,000, approximately 1.3% of the campaign funds raised by Mrs. Mosby. This hardly seems significant. Viewed from the perspective of Mr. Murphy, one of Baltimore’s most successful attorneys, it is no doubt even less significant. Moreover, the Fraternal Order of Police donated \$3,250 to Mrs. Mosby’s campaign. The \$750 difference in contributions makes risible the Defendants’ contention that Mrs. Mosby is indebted to Mr. Murphy for his contribution.

Second, Defendants point to Mr. Murphy’s service as a member of Mrs. Mosby’s transition team. Mr. Murphy, a former Baltimore City Circuit Judge and one of the most experienced and successful criminal defense attorneys in Baltimore’s state courts, was a natural for the position. There were thirteen (13) other members of the transition team. Mr. Murphy’s service as one of fourteen does not satisfy the closeness of personal relationship required for recusal.

Third, Mr. Murphy represented Mrs. Mosby in connection with a frivolous complaint made to Bar Counsel during Mrs. Mosby’s campaign. The matter involved little work, was resolved in Mrs. Mosby’s favor, and is over.

Fourth, Mrs. Mosby is criticized for meeting with Mr. Gray’s family and their attorney, Mr. Murphy. Mrs. Mosby takes quite seriously her obligation to pursue justice for the victims of crimes. Either she or one of her assistants makes every effort to meet with the family of all victims of homicides occurring since she took office. That Mr. Murphy is the Gray family lawyer had nothing to do with the meeting.

Finally, Defendants rely on a motion filed in a completely unrelated case, State of Maryland v. Jeffrey Bolger, Case No. 614227006. Showing the same care that has them arguing the significance of the false imprisonment charges even though they are no longer in the case, Defendants ignore the State's response to the Bolger motion. Defendants' Joint Motion at 22.

In Bolger, two police officers were charged with the killing of a dog. According to the Defendants and the motion they rely on, one officer's charges were dismissed because he was represented by Mr. Murphy's law firm, while the other still faces charges because he is represented by a lawyer who supported Mrs. Mosby's unsuccessful opponent in the election campaign.

The fact of the matter is that one defendant's charges were dismissed because the dismissed defendant agreed to cooperate against Mr. Bolger. As discovery material provided to Mr. Bolger's counsel reveals, the dismissed defendant's proffer was made before Mrs. Mosby's term began. The decision to dismiss the charges against the co-defendant was made for good reason by the previous administration. Moreover, the co-defendant was not represented by Mr. Murphy, but by a member of his law firm who has been nominated to be a federal judge.

The Bolger motion is frivolous, its allegations completely contrary to indisputable facts. That Defendants rely upon it while ignoring the State's response to it shows Defendants to be both irresponsible and desperate. Defendants have shown no conflict, nor even the appearance of one.

DEFENDANTS' CLAIM THAT MRS. MOSBY "IS A CENTRAL WITNESS" IS PREPOSTEROUS

Two weeks after filing their Joint Motion for Recusal in the Circuit Court, Defendants filed a Supplement to it. This filing set a new low in this case for distortion and outright false statements. Seizing upon the perfectly proper and innocuous fact that Mrs. Mosby asked the Division Chief of the Crime Strategies Unit of the State's Attorney's Office for Baltimore City to

“look into community concerns regarding drug dealing in the area of North Ave [sic] and Mount St.,” Defendants falsely assert that Mrs. Mosby “directed” police activity at that location, and thus is a “central witness.” This is a fairy tale.²

Mrs. Mosby did not “direct” the police to do anything. Her Division Chief merely asked the police if they would be interested in a collaborative effort: “Let me know if you’d be interested in working together on an initiative and we can discuss further.” Supplement, exhibit 1. This is the question that, in Defendant speak, is a “directive” from Mrs. Mosby: “Mrs. Mosby’s **directive** to the officers....” Supplement, ¶ 16 (emphasis added); “Mrs. Mosby was **directing** these officers...asking them to make arrests, conduct surveillance, and stop crime.” *Id.* at ¶ 17 (emphasis added).

Having turned a request for discussion into a “directive,” Defendants trumpet that Mrs. Mosby is the direct cause of Defendants Rice, Miller and Nero being in a position to have contact with Mr. Gray: “The officers were there because Mrs. Mosby requested daily narcotic intervention at that exact intersection.” *Id.* at ¶ 15.

Based on these patently false statements, Defendants fabricate “focal issues.” “From where did Mrs. Mosby receive this information? What factors were taken into account in issuing this **directive**? To whom was this information disseminated? How was this information disseminated?” *Id.* at ¶ 16 (emphasis added).

² Before Defendants get to the invented “directive” and tortured path to declaring Mrs. Mosby “essential exculpatory evidence,” they throw in a few other false statements. Trying to set the stage for their own misinterpretation of the State’s theory of this case, Defendants claim that the State is alleging certain facts, at least four of which the State has never alleged. Supplement at ¶ 6.

First, the claim that “[T]he officers then [apparently after moving Mr. Gray while handcuffed] immediately conducted a pat-down frisk for weapons which revealed a knife [.]” *id.* at 6f is pure invention. The State does not contend, and has never contended, that the officers conducted a pat-down frisk for weapons which revealed the knife.

Second, the State does not contend, and has never contended, that the knife taken from Mr. Gray was illegal under the Baltimore City Code. *Id.* at 6g. Of lesser concern, but still inaccurate, are the assertions that (3) the State alleges that the “officers” made eye contact with Mr. Gray when the Application for Statement of Charges alleges that it was Lt. Rice who made eye contact, and (4) that Mr. Gray fled unprovoked. *Id.* at 6b and c.

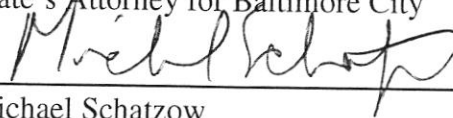
Whether the information was received or disseminated by Pony Express or carrier pigeon has nothing to do with any issue in this case, nor do the answers to the other “focal issues” questions. Claiming that the answers to these questions make Mrs. Mosby “essential exculpatory evidence” defies logic and basic reasoning.

The reasons why Mrs. Mosby is not exculpatory evidence are obvious. Mrs. Mosby did not direct the Defendants to chase Mr. Gray; she did not direct them to arrest him; she did not direct them to handcuff him and place him in a police wagon without putting him in a seat belt, in violation of a General Order; she did not direct them to shackle his legs and put him back in the wagon on the floor handcuffed and shackled, but not in a seatbelt, in violation of a General Order; she did not direct the Defendants to ignore Mr. Gray’s requests for a medic; she did not direct Defendants to ignore Mr. Gray’s medical condition; and she did not direct Defendants to pick up another individual in the wagon instead of taking Mr. Gray to the hospital.

CONCLUSION

WHEREFORE, because the Defendants have not demonstrated even the appearance of a conflict, let alone an actual conflict; because the Defendants have not cited controlling authority that approves the very conduct that they condemn; because Defendants cite no authority in support of their baseless theories; and because Defendants distort and ignore the facts relevant to their claims, the State's Attorney's Office for Baltimore City respectfully requests that this Honorable Court DENY the Defendants' Joint Motion.

Respectfully submitted,
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