

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

STATE OF MARYLAND

v.

OFFICER CAESAR GOODSON

Defendant.

CASE NO.

2308/15

...00000...

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**MOTION FOR INJUNCTION PENDING APPEAL  
BY OFFICER WILLIAM PORTER**

Comes NOW Witness Officer William G. Porter and hereby moves this Honorable Court, pursuant to Md. Rules § 8-425 for an injunction pending appeal and in support thereof states as follows:

**I. RELEVANT FACTS**

**PROCEDURAL POSTURE**

Baltimore City Police Officer William Porter (hereafter "Officer Porter") has been charged with Manslaughter, Second Degree Assault, Reckless Endangerment and Misconduct in Office in Baltimore City Circuit Court Case Number 115141037. The undersigned are counsel for Porter in that case. The charges involve the in-custody death of Freddie Gray on April 12, 2015. There are six officers charged in the death of Mr. Gray: Officer Porter, Officer Caesar Goodson, Sergeant Alicia White, Officer Garrett Miller, Officer Edward Nero and Lieutenant Brian Rice. All were charged, and indicted, on the same day. As one

Judge was assigned to all six (6) cases, initially there was discussion about which case would go first.<sup>1</sup>

On September 15, 2015 the State of Maryland, through Chief Deputy State's Attorney Michael Schatzow wrote to the specially assigned Judge, Judge Barry Williams, and told him that the state would be calling Officer Porter's case first, followed by Goodson, White, Miller, Nero and Rice. Exhibit A. The state's rationale for this was that:

Defendant Porter is a necessary and material witness in the cases against Defendants Goodson and White, so it is imperative that Porter's trial takes place before their trials. Defendant Porter's counsel has known this since before the grand jury returned indictments in these cases.

Id. The court below granted the state its wish, and Officer Porter proceeded to trial first.

### THE TRIAL

Jury selection began in Officer Porter's trial on November 30, 2015. Ultimately, the case mistried on December 16, 2015 as the jury were unable to reach a verdict as to any of the four (4) charges placed against Officer Porter. Following the mistrial, the circuit court set the retrial for June 13, 2016.

During his trial, Officer Porter testified in his defense. During the state's closing argument by Ms Janice Bledsoe, and the rebuttal by Mr. Schatzow, both commented on Officer Porter's credibility, candor and truthfulness. The following

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<sup>1</sup> Initially the state moved to consolidate some trials, but eventually the court below found that six (6) separate trials was appropriate.

are not all of the instances when the state, in effect, called Officer Porter a perjurer, but it sets out specific examples that are germane to the decision this Court must make in relation to this Motion:

*The State's Opening Closing Argument*

[A] during his testimony at trial Officer Porter stated under oath that he heard Freddie Gray say during his initial arrest that he could not breathe. The state's theory at trial, was that Mr. Gray had said this much later. In her closing Ms. Bledsoe stated that not one of the other witness officers testified that they heard Mr. Gray say during his initial arrest that he could not breathe and went on to assert that "you know why? 'Cause it was never said [during the initial arrest]." TS 9:53:20.<sup>2</sup> Ms. Bledsoe's assertion that it was never said leads to the inexorable conclusion that the state was accusing Officer Porter of perjury.

[B] The reason the state believed that Mr. Gray said he could not breathe much later was because of a report of a Detective Teel, who wrote memorialized a conversation she had with Officer Porter. In arguing that Officer Porter is not to be believed, Ms. Bledsoe stated that "who has the motive to be deceitful? It's not Detective Teel. It's Officer Porter." TS 9:54:07.

[C] Officer Porter testified that when he saw Mr. Gray in the back of the police wagon, at Druid Hill and Dolphin, he helped Mr. Gray (who was on the floor) onto

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<sup>2</sup> The "TS" stands for Time Stamp. The State's closing and rebuttal have yet to be transcribed, but the undersigned have watched the video, and transcribed herein, the arguments of counsel as faithfully as possible.

the bench, but that Mr. Gray had power in his legs and bore the weight of his body. In calling Porter a liar, Ms. Bledsoe stated that:

five times [Officer Porter] was asked about it, not once did he say Freddie Gray assisted himself up on the bench. Five times he used words that indicate he put Freddie Gray on the bench. Not once in any of those five times did he say, "it would be physically impossible for me to do that, I did not just put him up on then bench I couldn't do that," not once, but he told you that from the stand.

TS 9:57:40.

[D] Officer Porter testified that he was aware that arrestees often feign injury in the hopes of avoiding a trip to jail. He testified that the term for it that many officers use is "jailitis." Ms. Bledsoe in her closing said that "this jailitis is a bunch of crap." TS 10:09:02.

[E] Officer Porter testified that, when he saw Freddie Gray at Druid Hill and Dolphin he believed that Mr. Gray was not injured. Officer Porter further stated under oath that if he knew Mr. Gray was injured he would have sought immediate medical attention. Ms. Bledsoe, in labeling Officer Porter a perjurer stated that Porter "knew Gray was hurt badly [at Druid Hill and Dolphin], he knew he wasn't going to be accepted at Central Booking and he did nothing." TS 10:10:10.

[F] Officer Porter testified that when Mr. Gray was loaded in the Wagon at Baker and Mount Streets, he did not know whether Mr. Gray was leg shackled or not. Ms. Bledsoe told the jury "he [Porter] knew Freddie Gray was placed into the wagon with handcuffs, leg shackles on..." TS 10:14:35.

[G] Because of the statements of Officer Porter referenced above, Ms. Bledsoe argued to the jury that "there's only one reasonable conclusion, Officer Porter **was not telling the truth** about his involvement in this incident." TS 10:15:15.

[H] After pointing out another statement that the state believed was inconsistent, regarding what Officer Porter told a civilian named Brandon Ross, Ms. Bledsoe again stated "the only reasonable conclusion you can come to is that **Ofc. Porter is not telling the truth.**" TS 10:18:27.

[I] Additionally, Ms. Bledsoe argued to the jury that Officer Porter lied under oath when he stated that on April 12, 2015 he was unaware of a General Order numbered 1114. TS 10:27:08.

[J] Officer Porter testified at trial that he believed the wagon was headed to the hospital at one point, with Mr. Gray inside of it. Ms. Bledsoe, at TS 10:39:45, stated that this was false testimony, because Officer Porter was behind the wagon and new it was headed in a different direction.

*The State's Rebuttal*

[K] Mr. Schatzow told the jury that "now that the defendant is on trial, he comes into court and **he has lied to you about what happened.**" TS 1:01:15.