



Written by [Raven Clabough](#) on June 4, 2015

Baltimore State's Attorney Seeks Protective Order for Freddie Gray Autopsy

Baltimore City State's Attorney Marilyn Mosby (shown, center) is raising eyebrows by seeking a protective order that would prevent the release of Freddie Gray's autopsy report, as well as a gag order on those involved in the case. Mosby claims that she wants to "ensure a fair and impartial process" while she prosecutes the six police officers involved in Gray's arrest.



Defense attorneys have claimed that Mosby has done her best to leave them in the dark, denying an outline of evidence against the officers. They also state they have not been permitted to inspect a knife taken from Gray during his arrest.

Last month, Mosby submitted a request in Baltimore City Circuit Court for a gag order to prevent participants from discussing the case publicly, the Associated Press reports. The Associated Press is one of 19 news organizations contesting the gag order request. The other news outlets are *The Baltimore Sun*, Hearst Stations Inc., CNN, Sinclair Broadcasting, CBS Broadcasting Inc., Scripps Media Inc., Fox News, ABC News, Bloomberg News, BuzzFeed, Gannett, NBC News, National Public Radio, *The Guardian*, the *New York Times*, the *Wall Street Journal*, the *Washington Post* and the Reporters' Committee for Freedom of the Press.

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Gray, 25, died on April 19 while in police custody after suffering from a spinal cord injury. Six police officers have been charged in connection with Gray's death with various charges ranging from misconduct to second-degree murder.

On Monday, Mosby submitted a court filing wherein she requested the protective order for Gray's autopsy report. She also requested additional time to respond to defense motions asking for her and her office to be removed from the case and that the case be tried outside of Baltimore.

According to the *Baltimore Sun*, the deadline for the state to respond to the defense motions is June 11. Mosby seeks to have that extended until July 10.

"Defendants' Motions in total span over 150 pages, setting forth a multitude of legal arguments and factual allegations that the State intends to answer diligently," she wrote.

However, defense attorneys contend that an extension is unreasonable.

"It's very disconcerting that six [defense] lawyers were able to write these motions in two weeks, and the state's attorney's office has over 200 or some attorneys and they need an extension," said Ivan Bates, an attorney for one of the charged officers. "To me, it's almost as if the state's attorney's office is playing games."



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The attorneys added that time “is not a luxury as the careers, livelihoods, and liberty of the Defendants hang in the balance, four of whom are charged with felonies and thus are no longer receiving the salaries necessary to support themselves and their families.”

In Mosby’s filing, she states that she “attempted to reach an agreement” with defense attorney Michael Belsky, the “designated contact attorney” for all the officers, that would have allowed the state more time to respond to defense motions. Belsky agreed to allow the state more time to respond to the motion to dismiss the case, only if the state would agree to release certain discoveries, including the autopsy report, medical records, and “all statements made by the defendants.”

Mosby refused. “Because the State intends to seek a protective order to restrict the dissemination of such sensitive discovery in this matter,” she wrote, “the State was not willing to so barter, and so no agreement could be reached.”

Mosby told the *Baltimore Sun* that she wants to protect all “sensitive” documents connected with the case, adding that prosecutors “will not be baited into litigating this case through the media.”

But attorneys for the police contend that her efforts to block the release of the autopsy report indicate that “there is something in that autopsy report that they are trying to hide.”

“Mrs. Mosby is the one who did an announcement discussing what she said the evidence was in a nationally televised speech,” said Bates. “Now that it is time to turn over the evidence, to ask for a protective order is beyond disingenuous. It’s as if she wants to do everything to make sure our clients do not get a fair trial.”

Gregg Leslie, legal defense director for the Reporters Committee for Freedom of the Press, asserts that Mosby’s office should explain the reasoning behind the protective order request.

“They should have to show there is a compelling state interest served by keeping this confidential, and that their solution is the most narrowly tailored one,” Leslie said.

Photo of Baltimore State’s Attorney Marilyn Mosby (center) speaking to the press: AP Images



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