



Written by [Bob Adelman](#) on July 3, 2016

Disbarment Charges Filed Against Prosecutor in Freddie Gray Case

Calling Baltimore State's Attorney Marilyn Mosby (shown) a "runaway prosecutor" in the Freddie Gray case, legal activist and law professor John Banzhaf [filed a complaint](#) last Thursday with the Maryland Bar Counsel. He demanded an investigation into her mishandling of the prosecution of six officers involved in the Freddie Gray case on several grounds:



She did not have probable cause to support bringing a successful conviction in any of the cases;

She made public statements that prejudiced those cases;

She withheld evidence from the officers' defense attorneys that would have helped their cases against her charges;

She continued to prosecute other officers even after the judge involved hasn't found sufficient evidence to convict any of them so far; and

She engaged in conduct that was "dishonest, fraudulent, deceitful and which misrepresented the facts" in those cases.

The case received national attention when it was claimed that local police officers so badly mistreated Gray during his transport to a station house for booking that he died from his injuries a week later. The incident occurred on April 12, 2015; Gray died on April 19; and on May 1 Mosby filed charges against six officers who were involved.

During that announcement Mosby prejudiced her case against the officers by responding to protests and riots instigated by the Black Lives Matter movement, saying: "I heard your call for 'No justice, no peace.' Your peace is sincerely needed as I work to deliver justice on behalf of this young man.... Our time has come."

It later turned out that this "young man" had a long rap sheet relating to some 20 criminal charges in various drug crimes, five of which were pending against him at the time of his arrest.

Page Croyder, who spent 21 years in the Baltimore state's attorney's office, wrote in the *Baltimore Sun* that "any prosecutor interested in the truth and in justice would have used all the tools at her disposal to find them. Ms. Mosby ignored them." Croyder explained:

She had one of the most experienced homicide prosecutors in the state of Maryland as chief of her homicide unit, but did not ask him to investigate.

She had the policer report all of one day before filing charges [against the officers]; her mind was already made up.

And she failed to make use of the grand jury to gather, probe and test the evidence before a group



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of average citizens [before deciding to file charges].

In addition, wrote Croyder:

Published ethical standards prohibit the use of a prosecutor's powers [for] political (crowd control) or personal (career ambition) purposes. They demand that prosecutors be fair and objective and protect the innocent.

Instead, Ms. Mosby, without all of the evidence yet available to her, pandered to the public by promising "justice" for Freddie Gray.

With the announcement that she is moving ahead with the trial of the fourth officer involved in the incident, Lt. Brian Rice, with pretrial motions to be offered on Tuesday, July 5, Mosby finds herself in a pickle of her own making. If she offers to withdraw charges, she confirms the claim that she never had sufficient evidence in the first place. If she proceeds, and loses the case against Rice, which observers say is very likely, the loss will reinforce the ethics charges, making her disbarment more likely.

But the damage has already been done, either way. Alfred Regnery, president of the Law Enforcement Legal Defense Fund, which is helping to pay the legal fees of the six officers charged in the case, wrote:

First is the staggering increase in crime in Baltimore since the Freddie Gray incident — much of it attributable to the "Ferguson effect" of police reluctance to put themselves in danger of prosecution.

She has also made it more difficult for other prosecutors to bring difficult cases [to trial] since she has generated [so much] distrust and suspicion of the justice system among her constituents.

Even beyond that, however, is the damage she has done, and continues to do, to the justice system itself which relies on public trust and reliance by the people affected by it that it is run professionally, without bias, and without political interference.

Over the weekend an online poll is gaining momentum urging Mosby to resign her position. The combination of her political pandering, her public rush to judgment, her efforts to seek personal aggrandizement and fame, her withholding evidence crucial to the defense and pending defamation lawsuits against her by two of the officers already acquitted all but guarantees that Mosby's future as Baltimore state's attorney will be short-lived. It could even end as soon as Tuesday when pre-trial motions are offered in the Rice trial with the possible announcement that she and her office are withdrawing charges.

The New American will continue to keep its readers informed about the case as they develop.

Photo of Baltimore State's Attorney Marilyn Mosby: AP Images

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelman@thenewamerican.com.

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