



Written by [C. Mitchell Shaw](#) on July 27, 2016

Freddie Gray Officers: All Charges Dropped, Ending Witch-hunt

After four failed attempts (including a mistrial) to secure a conviction where there was no case, Baltimore City State's Attorney Marilyn Mosby's office announced Wednesday morning that all charges have been dropped against the three remaining officers accused in the death of Freddie Gray. In all, six officers had been charged. The announcement came the very morning her office was scheduled to begin the persecution by prosecution of Baltimore City Police Officer Garrett Miller (top row, center).



Pretrial motions were scheduled to be heard in the trial of Miller Wednesday morning. Instead, Chief Deputy State's Attorney Michael Schatzow informed Circuit Judge Barry Williams of Mosby's decision to drop all charges against Miller, as well as those against Officer William Porter (who was facing a second trial after his first trial ended in a hung jury) and Sergeant Alicia White.

The move on Mosby's part is surprising not because it was unpredictable, but because she had so far demonstrated an unwillingness to face the simple fact that there was no conviction to be had because none of the officers involved had committed a crime.

As *The New American* reported previously:

Gray was arrested on April 12, 2015 after he ran from officers after making eye contact with one of them. When he was arrested, he was in possession of an illegal switchblade knife. While being transported to the police station for booking, Gray suffered a spinal cord injury which caused his death one week later.

The day before Gray's death — April 18, 2015 — the protests began. One week into the protests, riots and looting rocked Baltimore as protesters turned violent, setting fires and throwing rocks. More rioting and looting followed Gray's funeral two days later. Before the violence died down, at least six officers were seriously injured and nine others suffered less serious injuries, two patrol cars were destroyed, a CVS pharmacy was burned down, the National Guard was called in, and a city-wide curfew was put in place.

On May 1, 2015, Baltimore City State's Attorney Marilyn Mosby announced that the medical examiner had ruled the death a homicide and that her office had charged all six officers involved. The charges varied from officer to officer and included everything from false arrest to second-degree depraved-heart murder. A grand jury indicted the officers on all of the original charges except false arrest and illegal imprisonment. The grand jury also added charges of reckless endangerment and misconduct in office against all six officers.

The prosecution claims that Gray's fatal injury was caused by a "rough ride" when the officers



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deliberately left Gray unrestrained by a seatbelt and then drove in such a way to cause him to be tossed around in the back of the van. The officers have said that while resisting arrest, Gray was so violent that they could not restrain him without risking officer safety and that the ride to the police station was not a “rough ride.” What is now known for certain is that [prosecutors withheld witness statements which supported the officers’ claims](#) and that [at least one of the investigators in the case has said that the testimony offered to the grand jury to gain the indictments was misrepresented](#). As a direct result of the actions of her office, [Baltimore City State’s Attorney Marilyn Mosby is facing possible disbarment](#).

The first trial in this saga was that of Officer William Porter, who elected to have his case heard by a jury. After three days of deliberations, the jury told Judge Williams — who presided over all of the trials in this case — that it was unable to return a unanimous verdict on any of the charges. On December 16, 2015, the judge declared a mistrial.

Officer Edward Nero’s trial began in May 2016. Nero waived his right to a jury trial and elected for a bench trial, where the judge hears the evidence and issues a verdict. Judge Williams found Officer Nero not guilty on all charges, saying that by not securing Gray — who was violently resisting arrest — in a seatbelt, Nero had acted as “any reasonable officer” would have.

Officer Caesar Goodson, Jr. — whose trial began in June 2016 — appeared to see the wisdom in following Nero’s course and also elected for a bench trial before Judge Williams. It was in this trial that the prosecution — obviously aware of the weakness of its case — withheld evidence. The judge excoriated prosecutors and gave them a short deadline to make all evidence available to the defense in any trial related to this case. Goodson’s trial also ended in a verdict of not guilty on all charges. In his statement explaining his verdict, Judge Williams explained, “This court is satisfied the state has failed to show” that Goodson was guilty of any crime.

This would have been the place to assume that Mosby would have realized there was nothing but failure to be had here. Instead of demonstrating common sense and reasonable judgment, Mosby chose to demonstrate obstinacy and recalcitrance.

On July 5, the persecution by prosecution continued, as the trial of Lieutenant Brian Rice got underway. Rice also chose to have his case heard by Judge Williams. As *The New American* reported on that trial when — again — the judge issued a verdict of not guilty on all charges:

From the beginning, it was clear — as in the other trials — that the prosecution did not have a case. In fact, though Rice was originally charged with two counts of misconduct, the prosecution dropped one of those charges at the beginning of the trial and midway through the trial, Judge Williams dismissed the second-degree assault charge. Undaunted by the facts and the obviousness of her office’s pending failure, State’s Attorney Marilyn Mosby continued her trend of persecution by prosecution. It can be hoped that this most recent acquittal will serve as a wake-up call to Mosby, though she has demonstrated so far that reading the writing on the wall is not her strong point.

This writer concluded that [article](#) by observing:

Considering the outcome of the last three trials, it seems clear that the likelihood of any conviction is about zero. If Mosby persists, Porter will likely elect to have his retrial heard as a bench trial and Miller and White will — in all probability — follow the same course for their trials. If that happens, Judge Williams will hear the same evidence again and announce the same verdict again. And again. And again.



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One is left to wonder whether Mosby will ever get as tired of this as many of us already are.

It appears that — having run out of steam — Mosby has, at long last, decided to pull the plug on her political witch-hunt. By dropping all charges against Miller, Porter, and White, she is admitting what many of us realized a long time ago: There was never a conviction to be had.

The trials of Porter (retrial scheduled for September 6) and White (scheduled for October 13) will not be taking place, but that does not mean this is over. Baltimore Mayor Stephanie Rawlings-Blake — [who authorized a \\$6.4 million pay-off to the Gray family](#) last year to avoid “harm to the community” — is on the record calling for “an administrative review by the Police Department” of the officers. So, having been through a year of turmoil defending themselves for doing their jobs, they may lose those jobs. One has to wonder whether any of them would want to continue working in a city where not only the criminal element, but also the political system, is dedicated to the war on police.

Photo of the six police officers who were charged in the Freddie Gray case (top row from left: Caesar R. Goodson, Jr., Garrett E. Miller, and Edward M. Nero; bottom row: William G. Porter, Brian W. Rice, and Alicia D. White): AP Images





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