



Written by [C. Mitchell Shaw](#) on June 23, 2016

## Officer in Third Freddie Gray Trial Found Not Guilty. What Next?

Officer Caesar Goodson, Jr. (shown) has been found not guilty on all charges related to the death of Freddie Gray. The verdict, handed down Thursday by Baltimore Circuit Judge Barry G. Williams, marks the third trial in this case to end without a conviction. The first trial ended with a hung jury, and the second trial, like the trial of Goodson, was decided by the judge at the request of the defendant.



A total of six police officers have been charged in the Freddie Gray case, including three officers who have not yet been tried. But Goodson, who drove the van in which Gray was being transported when he sustained a fatal spinal cord injury, was charged with the most serious crime — second-degree depraved-heart murder. If he had been convicted, he faced up to 30 years in prison on this charge alone. The other charges against him included manslaughter, second-degree assault, reckless endangerment, and misconduct in office.

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.

The prosecution accused Goodson of committing depraved-heart murder by allegedly taking Gray for a “rough ride” that supposedly caused his fatal injury. But the evidence, some of which the prosecution initially attempted to conceal, showed otherwise. As this writer reported in a [previous article](#):

As the actual trial got underway ... prosecutors alleged that Goodson — who is charged with depraved heart murder — caused the death of Gray by deliberately driving the van in such a way as to toss Gray around. This is what is known as taking a suspect for a “rough ride.” But prosecutors did not disclose a statement made by Donta Allen, another suspect in the van that day.

That statement — in which Allen described the trip to the police station as “a smooth ride” — contradicts the prosecution’s claim. As ABC News reports:

In his original statement to police in April last year, Allen said he heard banging coming from Gray’s side of the vehicle. He gave a similar statement in a separate interview with prosecutors a month later, but the state never turned it over as evidence to defense attorneys. Williams found today that prosecutors committed a Brady violation — after *Brady v. Maryland*, a 1963 Supreme Court decision requiring prosecutors to disclose evidence that would aid the defense — because Allen’s May 2015 statement was deemed exculpatory evidence.

Allen’s first statement was disclosed by prosecutors and widely reported. The subsequent, undisclosed (“smooth ride”) statement was brought to the court’s attention by Allen’s lawyer. Goodson’s lawyer, Andrew Graham, said that if Allen’s lawyer had not come forward, the defense would have been unaware of that subsequent statement. He asked Judge Williams to dismiss the charges against Goodson, saying, “The state doesn’t get to decide whether or not to disclose



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information. The state sat on it for over a year. It's not up to them to make that decision."

After the first trial ended in a mistrial and the second ended with a not-guilty verdict, Baltimore City State's Attorney Marilyn Mosby appears to have been willing to violate basic ethical standards by withholding evidence in an attempt to get a conviction. Judge Williams — who has presided over all of the trials so far — excoriated the prosecution and demanded that all evidence related to this case and the cases of the other officers accused in Gray's death be turned over to the defense.

Considering that the prosecution was willing to stoop so low and take such chances, it seemed obvious that there was no case here. Thursday's verdict verifies that. Now that Mosby is zero for three, perhaps she will consider bringing this persecution-by-prosecution to a close. As this writer also said in that previous article:

The other trials are scheduled as follows:

- Brian Rice, July 5
- Garrett Miller, July 27
- William Porter (retrial), September 6
- Alicia White, October 13

Whether those trials will take place at all depends — at least in large part — on the outcome of the current trial of Officer Goodson. It appears the prosecution is aware that it must violate long-held standards of disclosing evidence in an effort to make a case where it has none. If — as many expect — this case ends without a conviction, the prosecution may finally have to face the facts and drop its witch-hunt. Because Judge Williams is not likely to overlook another episode of procedural misconduct to gain a criminal conviction by prosecutors who clearly have a lack of moral convictions.

Now that it is increasingly clear that Mosby and her team cannot get a conviction, the question remains as to whether there will be any future trials.

While it would be reasonable for Mosby to drop the charges and accept the fact that there is no conviction to be had here, reasonableness does not seem to be her strong point. After all, the prosecution team under her direction did withhold evidence in this most recent trial. At least one expert thinks Mosby will ride this out. The *Baltimore Sun* [quoted](#) Steven H. Levin, a former federal prosecutor, as saying, "A responsible prosecutor could easily justify withdrawing charges based on new evidence. I think people ordinarily would accept that. But in this case, Mosby raised people's expectations."

Before it is over, Mosby will have to make a choice. She can face reality and withdraw the charges against the other officers, or she can continue to ride the case that brought her national attention. But she needs to be aware that if she chooses the latter of those options, the fate of her career may well be tied to the fate of this case.

As for Goodson, he left the courtroom today as a free man, but his troubles are not all behind him. 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" — released a statement after the verdict. In that statement, she said, "Now that the criminal case has come to an end, Officer Goodson will face an administrative review by the Police Department. We once again ask the citizens to be patient and to allow the entire process to come to a conclusion," adding, "I am proud that we as a community have come together to move our city forward over the past year. I know that the citizens of Baltimore will continue to respect



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the judicial process and the ruling of the court.” In other words, Officer Goodson may still lose his job over this and the mayor is asking the city’s angriest residents not to burn the city down while that is being decided.

*Photo of Officer Caesar Goodson, Jr.: AP Images*



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