

Jury seated in first Freddie Gray police murder trial

Tom Hall, Nick Barrickman
3 December 2015

Yesterday the prosecution and defense made their opening statements in the trial of Baltimore police officer William Porter, the first of a series of trials over the police murder of Freddie Gray, after the jury for the case was seated earlier in the day. Porter has pled not guilty to charges of involuntary manslaughter, negligent assault, misconduct in office and reckless endangerment.

Porter, who is African-American, was called in as backup after Baltimore police unlawfully arrested and assaulted Gray in April, and was present during five of the six stops the officers made after detaining the severely injured Gray in the back of a police van. Porter is not being charged for the officers' physical assault on Gray during the arrest; an incident which was caught on bystander video, sparking mass protests which were brutally suppressed by Baltimore police and the National Guard.

According to Chief Deputy State's Attorney Michael Schatzow, arguing for the prosecution, the spine injury inflicted on Gray at the hands of Baltimore police left his neck broken and compressed, as if the young man dived head first into a shallow swimming pool. Porter "had a duty to keep safe a person in police custody... Evidence will show this defendant criminally neglected his duty to keep Mr. Gray safe."

Speaking directly to the defendant, Schatzow stated, "There was no reason not to put him in a seat belt unless you didn't care." The prosecutor noted that such injuries incurred by Gray could not have been sustained by the 25-year-old banging his head into the wall of the van, as Baltimore officials claimed.

Porter's trial is expected to last until December 17, while the trials for all six officers are not expected to conclude until March. Prosecutors decided to try Porter first because they are seeking to use him as a material

witness in the second degree murder trials of two other officers, Alicia White and Caesar Goodson.

The 150 members of the jury pool appeared in court on Monday and Tuesday to answer a series of preliminary questions as part of the jury selection process. Baltimore Circuit Judge Barry G. Williams asked jurors a series of questions in public about their general awareness of the case and any potential conflicts of interest, along with follow-up interviews behind closed doors.

Although it turned out to be relatively swift, the jury selection process was anticipated to be heated due to defense attorney's insistence that Porter would be unable to receive a fair trial in Baltimore. Repeated attempts by the defense to have the trial moved outside Baltimore, on the basis that media reporting of the case and mass hostility to police violence will make it impossible for Porter to receive a fair trial, were denied by Williams.

Conscious of the politically sensitive character of the trial, Williams expressed concern that such a move would lend an air of illegitimacy to the verdict in the case. A motion to sequester to jury during the trial was also denied.

Williams did, however, grant a motion by the defense to use an anonymous jury, an unusual and highly undemocratic step. Anonymous juries were first introduced in the United States in the late 1970s, originally to try mob cases where jurors may have faced threats or retaliation. The state of Maryland, however, only began allowing the practice in 2011, when an appeals court ruled 6-1 that juries could be granted anonymity in cases where there is concern for juror safety.

No such concern exists for the jurors in the trial of Porter. Instead, the apparent purpose of its use in this

instance is to shield the jury from scrutiny in order to increase the odds of an acquittal. Defense attorneys attempted to justify this by portraying popular opposition to police brutality as potentially violent.

“In the current climate, saying ‘not guilty’ regardless of the evidence or the lack thereof presented by the state, and then returning to your daily life will take great courage on the part of the citizenry,” Joseph Murtha and Gary Proctor, attorneys for Porter, wrote. “It is possible, indeed probable, that an acquittal of Officer Porter will lead to further civil unrest. But this officer deserves his trial without any ‘sacrificial lamb’ thinking on the part of jury members.”

In a statement to the *Washington Post*, Gregg Leslie of the Reporters Committee for the Freedom of the Press stated that Williams’ ruling is part of “a really disturbing trend that we’re seeing a lot of” that increases the likelihood of biases in juries. “Anonymous juries are almost never truly justified as a permanent solution. If secrecy becomes the norm, corruption will necessarily follow,” he added.

Meanwhile, the political establishment is openly making preparations for another crackdown in the event that Porter and his fellow officers are acquitted.

Baltimore Police Commissioner Kevin Davis bragged to the Associated Press Tuesday that Baltimore police would be better prepared than under his predecessor to handle renewed social protests. Davis replaced the previous commissioner Anthony Batts this summer after Batts came under fire from the police union for his alleged softness during the police-military crackdown in April.

According to Davis, April’s crackdown was insufficiently planned for, approached “more like an art form than a science.” The Baltimore police chief said that the department’s “planning and logistics” are now better able to dole out large-scale repression when needed.

Davis’ “logistical improvements” include the long-term collaboration with federal authorities and the creation of a “War Room” within police headquarters to coordinate criminal investigation (see: Federal agents sent to Baltimore to bolster local police).

Implicitly treating a future crackdown as an inevitability, Davis declared that police are “going to make a lot of people proud about how far we’ve come as a police department in terms of our capacity, as well

as our emotional capacity, to handle civil disturbance.”

Meanwhile, the media is beginning to prepare popular sentiment for the possible acquittal of the six officers. On Monday, CNN ran an article on its website which slanderously described Freddie Gray as the “son of an illiterate heroin addict.” The article went on to describe the protests that erupted after Gray’s death as “violent clashes with the police and widespread looting and arson” and, in typical yellow-journalism fashion, recounted the numbers of arrests and injured officers while omitting the number of protesters who were injured or illegally detained.

In response to popular outrage, CNN editors later removed the reference to Gray’s mother without any proper accounting of how it was included in the article in the first place, claiming only that it “appeared out of context.”

Although Baltimore prosecutor Marilyn Mosby decided to bring charges in May against the six officers involved in Freddie Gray’s death, the vast majority of killer cops never see the inside of a courtroom, despite the fact that more than 1,000 people are killed by US police every year.

Even for those who are prosecuted, conviction rates are low. In May, Cleveland police officer Michael Brelo was acquitted of manslaughter charges stemming from a car chase in 2012 in which he fired 49 rounds into two unarmed motorists from the hood of their car. The judge in the case absurdly declared that Brelo’s action “was a constitutionally reasonable response to an objectively reasonably perceived threat of great bodily harm from the occupants.”



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact