

# Hung jury in first trial for police killing of Freddie Gray

**Tom Hall****17 December 2015**

Barry Williams, the presiding judge in the first trial over the police killing of Freddie Gray, declared a mistrial on Wednesday evening. The 12 jurors in the Baltimore, Maryland case were unable to reach a decision on any of the four charges faced by officer William Porter after deliberating since Monday.

It is not yet clear if or when a retrial of Porter's case will take place. Whatever the outcome of Porter's individual case, however, Wednesday's ruling significantly increases the possibility that the other five officers, many of whom face far more serious charges than Porter, will get off scot-free, continuing the nationwide trend of acquittals in the very rare cases where killer cops face charges for their crimes.

Porter had been called in as backup after Gray had been unlawfully arrested in April for allegedly "making eye contact" with police. Although he was not present for the initial arrest, he was present for the "rough ride" in the back of a police van which caused catastrophic damage to Gray's spine, paralyzing him and ultimately killing him.

Porter faced charges of involuntary manslaughter, second-degree assault, reckless endangerment and misconduct in office for failing to buckle Gray into the back of the van or provide medical aid despite being specifically asked by Gray.

The five other officers are set to be tried separately and concurrently in the coming months. The stated strategy of the prosecuting attorneys from the office of Baltimore State's Attorney Marilyn Mosby hinged largely upon compelling Porter to testify against the other five officers through a conviction and the subsequent threat of jail time. This strategy has now apparently unraveled.

Mosby's office has come under criticism from legal commentators in the press for putting together what

they argue was a weak case against Porter. "I think this was a really difficult case for the state's attorney to prove," David Jaros, a criminal law professor at the University of Baltimore told the *Los Angeles Times*. "It is not easy to prove criminal liability based on an omission ... To convict him of involuntary manslaughter, they have to persuade the jury that not only did Officer Porter fail to do his duty, they have to show that Porter was aware he was putting Freddie Gray at a high risk of dying."

"In a sign of how badly the case was going for the prosecution," the *LA Times* continued, "two policemen who were granted immunity to testify against Porter were called instead by the defense, and gave what appeared to be damaging testimony about the department's practice of not using seat belts on prisoners."

The charges against the six officers were only announced in May after mass protests erupted against the police killing of Gray, while riot cops and National Guardsmen were still deployed throughout the city.

The decision to file the charges may have been a delaying strategy on the part of the political establishment, an attempt to defuse popular anger while buying time to better prepare to deal with opposition. In any case, the prosecutor's strategy of relying upon a relatively difficult to obtain conviction against Porter in order to convict the other five has had the effect of improving the officers' chances of acquittal.

Immediately after the ruling, the local political establishment in Baltimore called for "calm" and declared that the decision of the jury be "respected."

"As a unified city, we must respect the outcome of the judicial process," a prepared statement by Mayor Stephanie Rawlings-Blake, released only minutes after the ruling, read. "In the case of any disturbance in the

city, we are prepared to respond.”

Given the fact that the police and National Guard were deployed against largely peaceful protests this April, using isolated or alleged acts of violence as a pretext, this amounts to a thinly-veiled threat of a new crackdown should mass protests again emerge.

Police from throughout the state of Maryland have been converging on Baltimore in anticipation of yesterday’s ruling. Local media have published photographs of officers in black armored vehicles, dressed in military-style fatigues and body armor, setting up throughout the city.

Rawlings-Blake also announced on the morning before the verdict that she was activating the city’s “Emergency Operations Center,” one of several government programs enacted after April’s protests in order to better coordinate future crackdowns. The Baltimore Police Department also activated the “Joint Information Center,” which according to a police spokesman is designed to “[disseminate] real time information, clear up rumors and reach out to people on demand, if need be,” in other words, to control the “message” in the event of renewed protests.

Gregory Thornton, the head of the Baltimore public school system, also sent a letter on Monday warning parents and students that “student walkouts, vandalism, civil disorder, and any form of violence are not acceptable under any circumstances and that students who participate in such behaviors will face consequences.” Young people played a major role in the mass protests in April.

Wednesday’s ruling makes clear once again the ruling elite’s determination to uphold the repressive powers of the police in the face of mass opposition. After decades of impoverishment for the vast majority and unprecedented levels of social inequality, they are aware that they sit on a powder keg, which could produce a political explosion at any moment.



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