

Charges dropped against Baltimore man who had been tried four times for same alleged crime

Ray Coleman
19 January 2023

A Baltimore man who endured a years-long barrage of prosecutions related to the death of a security officer in 2015 has been released from jail after the city's newly elected top attorney dropped charges against him.

Democratic State's Attorney Ivan Bates announced his office was dropping the latest charges against Keith Davis Jr., 31, whose imprisonment for seven and a half years became a controversial case for its exposure of the operation of the American justice system. His release came after years of growing popular opposition and grass roots protests.

Davis had stood trial no fewer than four times since his arrest in 2015 in connection with the shooting death of Pimlico Race Course security guard Kevin Jones on June 7 of that year. He was facing his fifth trial for the same alleged crime.

Bates stated that he had "reviewed all the pertinent information, analyzed the law, and concluded that we should not continue this prosecution." Bates alluded to the behavior of the previous state prosecutor, Democrat Marilyn Mosby, declaring, "Today's dismissal is about the prosecutorial missteps of my predecessor in her pursuit of a conviction at all costs. I fully recognize the pain and anguish that repeated unsuccessful prosecutions have caused the victim's family, and I truly sympathize with them." That pronouncement echoed a statement made by Davis' attorneys with the Office of the Public Defender, who said Mosby's prosecution ran "counter to any concept of justice."

Mosby had repeatedly brought new cases against Davis when each subsequent one was knocked down for problems with the evidence discovery process or withholding of evidence from key witnesses.

On the day of Jones' death, hours after the shooting, an unlicensed cab driver in a neighborhood close to Pimlico flagged down police and said they had been the victim of an armed robbery. Police identified Davis as a suspect and chased him into a mechanic's garage. There, police opened fire with dozens of shots at Davis, three of which hit him, including in the face.

Davis was the first victim of a police shooting in Baltimore in the wake of the death of Freddie Gray in April of 2015. Gray had been arrested, restrained, and subjected to a "rough ride" in the back of a police transport van that broke his spinal cord, succumbing to his injuries days later at a shock trauma center. Gray's killing sparked several weeks of protests in the city and across the United States demanding an end to police violence.

Davis initially went to trial in 2016 for the alleged armed robbery and illegal possession of a handgun. The police claimed Davis hid the gun on top of a refrigerator in the mechanic's shop where they cornered him. Davis said the police planted the weapon there after shooting him.

When a jury found Davis not guilty of the armed robbery against the car driver, prosecutors, led by former State's Attorney for Baltimore Marilyn Mosby, charged him a week later with murder for killing Jones at Pimlico, based on ballistics testing of the handgun.

Analysis of DNA samples from the crime scene showed no links to Davis. Additionally, in conducting the murder investigation, police notes and record keeping were shoddy and poorly kept.

Then, there is the question of the alleged murder weapon. Davis claims the gun was never fired. According to "Free Keith Davis Jr.," a website

dedicated to Davis' presumption of innocence, experts brought in by the state for Davis' trial "acknowledge that the gun was never fired, no gun residue was ever found inside of the suspected murder weapon."

As for the manhunt that led to the garage, Free Keith Davis Jr. notes, "The only bullets and casings from the garage were from police-issued weapons." The website has compiled an extensive list of various falsehoods, omissions and evasions on the part of the state's prosecutors, experts, judges, witnesses and officers.

For instance, in Davis' third trial for Jones' murder, one jailhouse informant was promised a letter of cooperation for testimony, and had previously been given an Xbox in exchange for testimony. The fingerprint examiner who tied Davis' fingerprints to the alleged murder weapon kept no notes on her process, which involved tracing the finger loops by hand. Even worse, it emerged in the third trial that police had moved evidence at the scene of Davis' arrest where they claimed to recover the handgun.

The first and third ended in mistrials; the second and fourth in convictions that, both times, were overturned on appeal. The state was preparing for yet another attempted murder trial before Bates announced the dropping of further charges.

Watch David North's remarks commemorating 25 years of the *World Socialist Web Site* and donate today.

The dismissal of Mosby's prosecution marks the latest in an ignominious political downfall for the former prosecutor in the city of Baltimore. Mosby first rose to national prominence during the Freddie Gray protests against police violence in 2015. Mosby's office charged the six officers responsible with crimes related to Gray's death which were subsequently dismissed after jurors failed to indict several of the defendants. The *World Socialist Web Site* wrote at the time of the "politically calculated" charges, which were levied "in an effort to limit further protests."

Despite the sham character of Mosby's prosecutions of the police officers involved in Gray's death, outlets such as the *New York Times Magazine* in 2016 characterized Mosby as the "proxy for a nation reeling with outrage and disbelief over the failure of other prosecutors in other cities to indict other police officers for the killings of other black men."

The state's hounding of Davis, which Mosby justified as "justice" for the Jones family and for law

enforcement officers hurt in the line of duty, played a role in exposing Mosby's true character as a law-and-order politician and jailer of the working class. Mosby is currently facing federal perjury charges related to financial transactions for home purchases in Florida.

In response to news of Davis' release from prison, Baltimore-based Black Lives Matter activist DeRay McKesson, who, like Mosby, rose to prominence during the Gray protests, said, "Today is a reminder that when you organize, you win. It wasn't easy, but we did it."

McKesson, whose net worth is estimated at \$1.5 million, makes this statement in the context of a record level of police violence against working people in the United States, with police having killed 1,176 people in 2022 alone, or 3.2 people a day. McKesson is typical of a layer of professional "activists" which has integrated itself fully into the Democratic Party and profited handsomely following the mass protests against police brutality.

Much more insightful, Davis' wife, Kelly Davis, who helped lead a public relations campaign to raise awareness of her husband's case, said it represented "an indictment of the entire system."

Keith Davis is and was "not an anomaly," his wife continued. "I hope people realize, we have watched a wrongful conviction in real time—and we did not look away," she said, adding that there are other defendants like her husband who remain behind bars.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact