



Written by [C. Mitchell Shaw](#) on July 18, 2016

## Freddie Gray Trial: Lt. Brian Rice Acquitted on All Charges

For the fourth time in as many cases, Baltimore prosecutors have failed to get a conviction in the Freddie Gray case. In a verdict announced Monday morning, Circuit Judge Barry Williams acquitted Lieutenant Brian Rice (shown) of all charges in the death of Gray, who died in police custody in April 2015. Rice — the senior ranking officer connected to the case — was charged with involuntary manslaughter, misconduct in office, reckless endangerment, and second-degree assault. The trial lasted less than two weeks.



As *The New American* [reported](#) previously, Rice had waived his right to a trial by jury, electing instead for a “bench trial” where the evidence is heard — and the verdict issued — by a judge:

In the pretrial hearing, Lieutenant Brian Rice opted for a bench trial, meaning his case will be decided by Baltimore City Circuit Court Judge Barry Williams. Of the three trials so far, two of the accused officers — Edward Nero and Caesar Goodson — elected for bench trials and were acquitted by Judge Williams. The first trial in this case was that of Officer William Porter which ended in a mistrial when the jury informed Judge Williams that it would not be able to reach a unanimous verdict.

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.

As *The New American* reported earlier on the details of this case:

Lieutenant Brian Rice, 42, was the highest ranking officer of the six involved in the events leading up to the death of Freddie Gray. 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.



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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 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.

As this most recent trial began, the prosecution continued along pretty much the same path which has led to exactly zero convictions so far. Prosecutors claimed that Rice was responsible for Gray's death because — as the highest ranking officer on the scene — he should have made sure Gray was restrained by a seatbelt. Judge Williams — who has ruled previously that a "reasonable officer" would have placed Gray (who was violently resisting arrest) in the van without a seatbelt — was apparently not swayed by the arguments. During closing arguments, he asked Chief Deputy State's Attorney Michael Schatzow to clarify whether the prosecution was claiming that the simple act of not restraining Gray in a seatbelt was a crime. "The simple fact he didn't do it means he's guilty of these crimes?" he asked. Schatzow answered that it did.

In delivering his verdict, Judge Williams followed the same course he followed in the previous trials of Nero and Goodson: he read a prepared statement listing each charge, the legal requirements to prove guilt, and how the prosecution had failed — on every count — to meet those requirements. He then acquitted Lt. Rice on all charges and issued a gag order binding both the prosecution and defense from discussing the case.

Assuming that Mosby has not learned her lesson from this series of failures to convict police officers for simply doing their jobs, and that she can dodge disbarment, the other officers' trials are scheduled to begin as follows:

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

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.

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

*Photo: AP Images*



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