



Written by [Bob Adelman](#) on January 12, 2017

Officers' Lawsuit Against Marilyn Mosby in Freddie Gray Case Allowed to Proceed

Five of the six officers charged as accessories in the death of Freddie Gray in April 2015 filed suit against Baltimore's state attorney Marilyn Mosby (shown) for malicious prosecution, defamation of character, and invasion of privacy, among other claims. Last Friday U.S. District Court Judge Marvin Garbis, in a 65-page ruling, [ruled](#) that their lawsuit against Mosby may move forward.



The next step is discovery during which Mosby and others in her department, as well as the Sheriff's department, will be required, under oath, to explain just how she and they could reasonably claim that the officers were guilty of involuntary manslaughter, second-degree assault, and other charges in Gray's death.

Specifically that discovery process will likely examine her decision not to use a grand jury to investigate the incident and then bring charges only if justified. It's likely to reveal why she failed to use the skills of a highly qualified and experienced staff member to help with the investigation. It's likely to uncover the reasons how she determined, based simply upon a medical examiner's report, that Gary's death was a homicide and to charge the officers within 24 hours of receiving that report.

Additional discovery might also reveal Mosby's ties to the Marxist Black Lives Matter revolutionary group, whether or not she was using the charges against the officers to pander to growing public pressure and protests instigated by BLM, and whether she was using inflammatory language to incite further those riots while ingratiating herself with those protesters. She might even be asked to explain her public response to those protesters during her announcement that charges were being brought against the six officers, telling them, "I heard your call for 'No justice, no peace.' Your peace is sincerely needed as I work to deliver justice on behalf of this young man.... Our time has come!"

Whose time is that, exactly, Ms. Mosby? Discovery might just uncover more about her ties to the protesters and their enablers.

Those protests in Baltimore lasted for more than two weeks, resulting in vast property damage, with similar protests organized by BLM groups in New York, Denver, Chicago, Minneapolis, Miami, Philadelphia, Portland (Oregon), and Seattle.

Mosby is facing a mountain of difficulty, ranging from not only her need to defend herself and her office during discovery but to charges that she "overcharged" the officers in the first place. Harvard Law Professor Alan Dershowitz said he believed that Mosby deliberately overcharged the officers to satisfy those BLM protesters rather than to seek justice under the law.

Former Baltimore prosecutor Page Croyder said Mosby's initial charges against the officers reflected "either incompetence or an unethical recklessness" and that she sought not justice but an opportunity "to step into the national limelight" for personal aggrandizement. Wrote Croyder:



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Published ethical standards prohibit the use of a prosecutor's powers [for] political (crowd control) or personal (career ambition) purposes. They demand that prosecutors be fair and objective and protect the innocent.

Instead, Ms. Mosby, without all of the evidence yet available to her, pandered to the public by promising "justice" for Freddie Gray.

Mosby is also being investigated by Maryland's Attorney Grievance Commission following a complaint filed against her by John Banzhaf, a George Washington University Law School professor. Banzhaf claimed that she did not have probable cause to bring charges in the death of Gray and, in addition, deliberately withheld evidence from the officers' defense attorneys.

The officers, in plain language, went through hell before being exonerated either by jury, judge, or through Mosby's reluctant decision to withdraw charges from three of them following the failure of her first three prosecutions. They were suspended from the BPD, were hounded by the press, were forced to come up with bails of between \$250,000 and \$350,000, and will have their resumés tarnished permanently because of Mosby's overreach.

In his review of the death of Freddie Gray, William F. Jasper, writing in *The New American*, said, "Genuine racism and/or police brutality and corruption are serious matters that must be seriously dealt with. However, when politicians — and Marilyn Mosby is a politician — exploit already inflamed passions for political gain, they not only jeopardize public safety and destroy confidence in our justice system, but also violate the rights of the accused (the police officers) and destroy the constitutional protections of all."

Judge Garbis has opened the door for the public to see and learn just how "justice" is delivered under the auspices of the radical Mosby. Wrote Garbis: "Claims [by the five officers] including malicious prosecution, defamation and invasion of privacy can move forward against Mosby and Assistant Sheriff Samuel Cogen, who wrote the statement of probable cause." He added:

Viewed in the light most favorable to the Plaintiffs, they present allegations that present a plausible claim that the defendants [Mosby, Cogen et al] made false statements or omissions either knowingly or with reckless disregard of their truth or falsity.

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelman@thenewamerican.com.

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