

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

vs.

Case Number:

115141037

WILLIAM PORTER,

DEFENDANT.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Excerpt - Testimony of William Porter)

Baltimore, Maryland

Wednesday, December 9, 2015

BEFORE:

HONORABLE BARRY G. WILLIAM, Associate Judge
(and a jury)

APPEARANCES:

For the State:

JANICE L. BLEDSOE, ESQUIRE

MICHAEL SCHATZOW, ESQUIRE

MATTHEW PILLION, ESQUIRE

JOHN BUTLER, ESQUIRE

For the Defendant:

JOSEPH MURTHA, ESQUIRE

GARY E. PROCTOR, ESQUIRE

* Proceedings Digitally Recorded *

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T A B L E O F C O N T E N T S

<u>STATE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>	<u>VOIR DIRE</u>
William Porter	4	91	154	175	--

<u>DEFENDANT'S EXHIBITS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
9 (Photograph of Bruce and Presbury Street)	--	23
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<u>STATE'S EXHIBITS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
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1 If anyone can't hear, put a hand up.

2 DIRECT EXAMINATION

3 BY MR. PROCTOR:

4 Q. Officer Porter, did you know Freddie Gray?

5 A. Yes, I did know Freddie Gray.

6 I saw Freddie Gray on a daily routine. Every
7 day, I saw Freddie Gray out. I worked foot -- on our
8 foot patrol in the Gilmor Homes up at North and Carey and
9 Pennsy and North. He was a regular fixture up there.

10 And if he wasn't dirty, he'd come over and talk
11 to me.

12 Q. What do you mean?

13 A. Dirty means, you know, that you have drugs, you
14 have, like, a pack of drugs on you.

15 If he wasn't, he'd come over and talk to me.
16 And I'd talk with Brandon Ross and to Davonte Roary. I
17 talked to all the guys up there.

18 Q. Did you have a problem with him?

19 A. Not at all, no.

20 Q. So then when he said he needed a medic, why
21 didn't you call for one?

22 A. Well, I didn't call for a medic because after
23 talking to Freddie Gray, Mr. Gray, he was unable to give
24 me any reason for -- for any kind of medical emergency.
25 Just talking with him, I didn't see anything externally,

1 any cuts or wounds or anything.

2 And the medic usually takes a while to come --
3 come to a scene. Where we were Mr. -- the transport
4 would have transported Mr. Gray to the hospital in 10
5 minutes. It usually takes a little bit longer for them
6 to get to us, and for them to assess the scene, and take
7 him to a hospital.

8 Q. And why didn't you seatbelt him at Druid Hill
9 and Dolphin?

10 A. Just prior training and experience, as everyone
11 has said, that wagon back there is pretty tight. You
12 know, it becomes a -- when I'm walking in, my gun side --
13 I'm right handed, so my gun side is on the right. So
14 going into the wagon, my gun is always presented to the
15 prisoners who are sitting along the wall. So it always
16 presents a problem getting into the wagon.

17 It's just -- throughout all of my training,
18 I've seatbelted people inside my vehicle, but I -- my
19 personal cruiser, but never the wagon.

20 Q. At Druid Hill and Dolphin, did Mr. Gray tell
21 you he couldn't breathe?

22 A. Absolutely not.

23 Q. So why does Detective Teel's report say
24 differently?

25 A. Detective Teel's report. She called me on my

1 way down to Virginia. I was on my way -- I answered the
2 phone just because I knew it was a Baltimore City number.
3 She asked me, you know, could I explain to her what
4 happened.

5 And assuming that she had known -- that she had
6 investigated the case, that she had known that I had been
7 all of the stops from one to -- well, with the exception
8 of one, but one to six I had been at all the stops from
9 the beginning. So I started from the beginning, which
10 was Presbury and Mount, in which Mr. Gray had been hurt,
11 saying he couldn't breathe, and that he needed an asthma
12 inhaler.

13 Q. Okay. Now let's start at the beginning.

14 Where did you grow up, sir?

15 A. I grew up in Baltimore City, West Baltimore
16 more specifically. Within the -- in the Western
17 District, various areas. Carey and Edmondson Avenue is
18 where I lived. I lived on Braddish, 1800 block of
19 Braddish. The 1700 block of Ashburton. I lived on --
20 then on Riggs. So a lot of areas in the Western.

21 Q. And other than being a police officer, have you
22 had any other jobs?

23 A. Yes, I have.

24 Q. And what are those?

25 A. Other than being a police officer, I worked at

1 Towson Commons Movie Theater when it was still there. I
2 also worked at a computer company with one of my mentors.

3 Q. What high school did you graduate from?

4 A. I graduated from National Academy Foundation.

5 Q. And what did you do after that?

6 A. After that I -- I went to Villa Julie
7 University -- started Villa Julie College, which is now
8 known as Stevenson University. I attended there for two
9 to three years.

10 Q. And when did you start coming into regular
11 contact with police officers?

12 A. Very young. Being young, my mom didn't have a
13 -- or my family didn't have much money. So she couldn't
14 pay for summer camp; she needed to work during the day.
15 So I joined the Police Athletic League. At the Police
16 Athletic League, I came into regular contact with --
17 contacts -- I'm sorry -- with officers every day.

18 Q. Okay. And how would you describe that contact?

19 A. It was always positive. You know, it was like
20 a camp setting, so I -- you know, we came in. They gave
21 us a little breakfast. We'd do activities throughout the
22 day. They'd give us lunch.

23 If you had gone to the PAL Center during school
24 time, they'd -- they'd help you with school -- I mean
25 with your homework.

1 Every Friday, they would take us out to various
2 places in Baltimore City, like the Baltimore Aquarium,
3 the zoo, things like that.

4 Q. Did you ever think about joining the military?

5 A. I did think about joining the military,
6 specifically the Air Force. My dad and my grandfather
7 were both in the Air Force. Unfortunately, I'm color
8 blind, so I was unable to do the Air Force.

9 Q. What does your mom do for a living?

10 A. My mom is a nurse.

11 Q. So when did you decide to join the police
12 force?

13 A. I decided to join the police force just from
14 the experiences I had with the Police Athletic League.
15 And about 2010 is when I decided. And even then, we were
16 -- the society was having a negative image of police.
17 There were certain police cases that were coming up, and
18 people were having just a negative interpretation of
19 police.

20 And so I decided that I would become a police
21 officer, and give someone -- give -- give the people a
22 different view to police.

23 Q. And what kind of a cop would you describe
24 yourself as?

25 A. I was always fair. I -- I had little things

1 that would annoy me, such as, like, littering. Littering
2 would annoy me because you should be proud of where you
3 come from, so you shouldn't litter.

4 I mean, like, Gilmore Homes in the Western
5 District is filthy. It's filled with, like, trash all
6 over the place. There's some people that walk out just,
7 you know, whatever they eat and whatever they're
8 drinking, they'll just drop on the ground. So, you know,
9 I would get on them, and say, you know, you should be
10 proud of where you come from.

11 I always tell the guys up at Pennsy and North
12 that -- you know, Pennsy and North was like a pivotal
13 place where black people, in like the 1950s, Cab Calloway
14 would go there, and Lena Horn would go there. And -- and
15 it's become the heroin capital of the East Coast up at
16 Pennsy and North.

17 Q. Did you write tickets for minor infractions?

18 A. I wrote tickets for, like I said, littering.

19 And sometimes I would have write tickets for
20 loitering. It's just a problem, loitering. A lot of --
21 you know, we have 300 plus murders here in the City. A
22 lot of those guys are just sitting outside loitering,
23 whether it be a corner store or a liquor store.

24 Q. So what do you remember about your training at
25 the academy, sir?

1 A. Training at the academy, my academy was
2 extended. It was for 11 months. Typically, it's six
3 months -- during my training at the academy,
4 unfortunately I had a -- a trainee that was shot by an
5 instructor. But other than that, I learned.

6 Q. When the trainee was shot, did the people
7 teaching you change?

8 A. Oh yeah. They -- they basically moved
9 everybody out, and just did a reform of the -- of the
10 police -- of the training academy.

11 Q. What kind of things did you learn at the
12 academy?

13 A. At the academy, we learned law, ACT, which is
14 arrest control tactics; defensive tactics; you know, just
15 the basics on how to become a police officer.

16 Q. What kind of medical training did you receive?

17 A. I'm sorry. Just what, I think her name is,
18 Officer Carson-Johnson. Just that EMAT (phonetic) class,
19 just a three-day period, eight hours. That's basically
20 was my medical class, what we sat through there.

21 Q. What about seatbelting?

22 A. We were always told to seatbelt, but it -- I
23 had never been given any demonstration or anything about
24 seatbelting.

25 Q. Okay. So did you receive a copy of the General

1 Orders at the police academy?

2 A. I wasn't -- I have never ever had a physical
3 copy of the entire General Order. I know that I signed
4 for a piece of paper. But coming from the civilian side,
5 when -- when someone says we're going to hand you
6 something called the General Orders, I had no idea what
7 that was. So, yes, I did sign for it.

8 But during the academy, I was given a flash
9 drive, and I was -- I'm sorry -- the General Orders were
10 put on that flash drive.

11 Q. After the police academy, what's the next thing
12 that happens?

13 A. After the police academy, you do field
14 training. It's supposed to be 10 weeks. Unfortunately,
15 our class had done six weeks of field training. You just
16 go under a field training officer, who's trained to train
17 officers.

18 Q. And during your field training, was anyone
19 arrested?

20 A. Yes. Yes. Lots of arrests.

21 Q. And with your -- what do you call the person
22 responsible for supervising you?

23 A. He's called an FTO or Field Training Officer.

24 Q. Okay. So people were arrested during your six
25 weeks of field training; is that correct?

1 A. Yes, sir.

2 Q. Were they put in a wagon?

3 A. They were put in a wagon, yes.

4 Q. Were they seat belted?

5 A. They were not seat belted.

6 Q. How many arrests have you been present at?

7 A. I have an approximate number, probably 110

8 arrests for two years, but I've probably been a part of

9 200 arrests.

10 Q. And of those 200 arrests, how many left in a

11 wagon?

12 A. Probably around 150.

13 Q. And of those 150, how many were seat belted?

14 A. None.

15 Q. What is your understanding of, when a detainee

16 gets in the wagon, whose responsibility are they?

17 A. I think any officer would tell you it's the

18 responsibility of the -- the wagon driver to get the

19 prisoner from Point A to Point B, whatever that Point B

20 may be.

21 Q. So you've heard testimony about a PocketCop.

22 What is a Pocketcop?

23 A. A PocketCop is actually an application that,

24 you know, the police department and various police

25 departments have. It's placed on the departmental phone

1 so that civilians can't access that PocketCop app, and
2 it's distributed throughout the police department.

3 Q. Did you have one?

4 A. I did not have PocketCop

5 Q. So if you wanted to check your email, how would
6 you do it, sir?

7 A. I would need to go in early or stay late, and
8 get on one of those antiquated computers that we talked
9 about earlier.

10 Q. Your shifts, how many hours are they?

11 A. Well, it just recently turned into -- well,
12 when I was there, it had recently turned into 10-hour
13 shifts.

14 Q. And of those 10 hours, what are you expected to
15 be doing?

16 A. I need to be patrolling, actively engaging the
17 public.

18 Q. So of your 10 hours, how much time did you
19 physically spend at the District?

20 A. Just roll call, which I think it's 27 minutes
21 or something like that. And then we would go on the
22 street. We're expected not to come into District unless
23 you need to come into the District. And you're out to
24 stay our and patrol.

25 The Western District is a pretty -- pretty

1 violent place. You know, I had plenty to do.

2 Q. So tell me what the average day in the life of
3 a Western District patrol officer, like yourself.

4 A. I can tell you about my first day of field
5 training. First day of field training, we get a call to
6 Club International. At Club International, we were just
7 doing some crowd control. I'm with my field training
8 officer, the crowd was moving. And I hear about seven
9 gun shots rang out.

10 I then pull my service weapon, and I go into
11 the direction of the gun -- the gun fire. There, I meet
12 up with my field training officer. We located a number
13 one -- I'm sorry, a black male who had been shot. I'm
14 not -- an unknown amount of times.

15 I could actually see the -- a suspect running
16 down the street. And my field training officer advised
17 me not to run after him, but to give his -- his -- what
18 he looked like, his appearance, and call it out on the
19 radio.

20 Then we called for an ambulance to -- the
21 gentleman on the ground. He was taken away. And we then
22 did the area canvass. From there, we cleared out from
23 the scene, you know, did regular patrol.

24 But at the end of that night, about six o'clock
25 in the morning, I received a call of alarm of fire. From

1 there, I witnessed a fire at a church that had been
2 started by -- it was an electrical fire. But, you know,
3 that's a pretty exciting first day at work.

4 Q. And what's a typical day look like?

5 A. A typical day looks like that. It depends on
6 what shift you're on. Baker -- I'm sorry, baker shift,
7 which is their earliest shift, tends to be a little bit
8 slower.

9 But Charlie shift is you're going from
10 beginning. You can go to domestic calls, to a missing
11 person's report, to shoplifting, you know.

12 Q. Okay. Now, talk a little bit about a
13 PocketCop. If you wanted to check your email, sir, how
14 would you do that?

15 A. Like I said before, I'd -- I'd either go in
16 early or stay late and get on one of the antiquated
17 computers. And there were only two available. So there
18 would be other people on the computers, and I'd just have
19 to wait and check those emails.

20 Q. And if, for your shift, something was
21 important, how would you learn about it?

22 A. It's typically read out at roll call. There
23 would be -- during roll call, they tell us about the
24 areas that we need more police presence in. They tell us
25 about BOLOs, be on the look out for persons and wanted

1 persons. And it's typically read out during roll call.

2 And whenever they have policy changes, they're
3 read out during roll call.

4 Q. Did you ever receive anything critically
5 important by email?

6 A. We did, yes.

7 Q. What kind of things?

8 A. Like I said, the wanted persons, the BOLOs.
9 They sent out emails every day for -- for anything. I
10 mean, but your email could also contain something about,
11 you know, a retirement dinner from someone at the
12 Southern District.

13 Q. So in the month of April, do you know how many
14 emails you received?

15 A. It's approximately 1300 emails, over 1300.

16 Q. And did you ever send emails from Baltimore
17 City Police Department?

18 A. No. I didn't really send emails, no.

19 Q. So -- and April 9th. April 9th, the day that
20 Lieutenant Quick sent out that email; are you familiar
21 with that?

22 A. I am familiar with that, yes.

23 Q. How many emails did you get that day?

24 A. 44 emails that day.

25 Q. If you were present at an arrest, and drugs

1 were recovered, what would you do with them?

2 A. If I were the arresting officer, I would have
3 to, you know, place them in my pocket until I get to the
4 District where I could package them.

5 Q. You were provided with evidence bags?

6 A. They're located at the District. But, no, on
7 the street, I'm not provided with evidence bags, no.

8 Q. So in your day-to-day responsibilities, right,
9 how much of that, what you do every day, did you learn at
10 the academy?

11 A. Probably about 20 percent.

12 Q. So where did the other 80 percent come from?

13 A. On the street training and experiences.

14 Q. By whom?

15 A. Senior officers and field training officers.

16 Q. Now, what's use of force?

17 A. Use of force is -- is -- you know, if I were to
18 use my baton to hit -- strike someone, that's a use of
19 force. If I were to use a taser, that's a use of force.
20 If I were to deploy mace, that's a use of force.

21 Q. Did you ever have any findings that you used
22 force?

23 A. No. No findings that I used force.

24 Q. So --

25 A. I was -- I was always able to --

1 THE COURT: You need a question.

2 THE WITNESS: I'm sorry.

3 BY MR. PROCTOR:

4 Q. So how could you de-escalate the situation
5 without using force?

6 A. I was always able to use my rapport to kind of
7 talk the guy into cuffs, and not have to strike him or
8 anything.

9 Q. Other than at the range, did you ever fire your
10 gun?

11 A. No, sir.

12 Q. What's officer safety?

13 A. Officer safety is just, you know, as I said,
14 officer safety, you -- you want to make sure your
15 officers are safety and yourself is safety -- I mean,
16 your safety. That's basically it.

17 Q. And how important was that to you as a police
18 officer?

19 A. It was paramount. You know, as a police
20 officer -- I became a police officer to protect life and
21 property. And before property, comes life. So it was
22 pivotal. It was paramount.

23 Q. You weren't trained on officer safety at the
24 academy?

25 A. I can't say that there's specific training, but

1 it's just ingrained to protect life. Your life, the
2 public's life, and also your fellow officer's life.

3 Q. How did every roll call end?

4 A. They would typically say make sure you, you
5 know, back each other up.

6 Q. Okay. Now, let's talk about April 12th. April
7 12th's a Sunday; right?

8 A. It is, yes.

9 Q. So what's the first thing you do every Sunday
10 morning?

11 A. On Sunday, we have inspections. So that's a
12 gun inspections. You get inspected as far as your
13 uniform and your appearance. You also have vehicle
14 inspections every Sunday.

15 Q. Okay. So did you do a vehicle inspection that
16 morning?

17 A. I did do a vehicle inspection that morning.

18 Q. What, if anything, significant happened during
19 your vehicle inspection?

20 A. While -- while waiting to wash my car,
21 Lieutenant Rice comes over the air and says that he's in
22 a foot pursuit.

23 Q. Okay. Now, let's step back a little. You're
24 title as a police officer is what?

25 A. Police officer.

1 Q. Who's your direct supervisor?

2 A. My direct supervisor would be a sergeant.

3 Q. And on that morning who's the sergeant?

4 A. Sergeant Alicia White.

5 Q. And who's her supervisor?

6 A. Her supervisor is Lieutenant Rice.

7 Q. And so when you say Lieutenant Rice called a
8 foot pursuit, that's your boss' boss?

9 A. In a way, yes.

10 Q. And the -- explain, in case it's not clear, is
11 Baltimore broken into separate divisions?

12 A. Yes. We have nine different districts.

13 Q. Southeast, Northwest, that sort of thing?

14 A. Yes, sir.

15 Q. And you're in the Western; right?

16 A. I'm in the Western.

17 Q. On that Sunday morning who's in charge of
18 Western District?

19 A. Lieutenant Rice is the shift leader. He's the
20 shift commander. He's the commander for the District
21 that morning.

22 Q. Okay. So Lieutenant Rice calls out a foot
23 pursuit; right?

24 A. Yes, sir.

25 Q. Does he use any codes?

1 A. I can't say for certain. But, you know, the
2 typical code would be, you know, 10-16.

3 Q. Let's talk about that a little, sir.

4 Q. What's a 10-16?

5 A. A 10-16 is urgent backup.

6 Q. Are you free to disregard that?

7 A. There are very rare occasions. You know, if
8 I'm protecting life, then yes, I'm free to. But if I'm
9 just washing my car, then no I'm not free to disobey a
10 10-16.

11 Q. So he says 10-16, what do you do?

12 A. I immediately run out to my vehicle and respond
13 to the areas in which he called out.

14 Q. And where is that area?

15 A. He may have said Gilmor Homes or -- or, you
16 know, Mount Street and Westwood because I responded over
17 to Westwood and Bruce Street.

18 Q. Okay. And when you get there, what do you do?

19 A. When I get there, I exit my vehicle. I walk
20 southbound on Bruce Street where I can -- where I locate
21 Lieutenant Rice.

22 MR. PROCTOR: May I just retrieve one of these?

23 Thank you.

24 Judge, I'm not sure if the jury can see. Could
25 Officer Porter get off the stand, and just have him point

1 to the map?

2 BY MR. PROCTOR:

3 Q. Officer Porter.

4 Now, I'm the wrong person to be saying this
5 sir, but you have to keep your voice up.

6 Okay. Can you see on this map where you parked
7 your vehicle?

8 A. My vehicle was in Bruce and --

9 THE COURT: The witness needs to move to the
10 right of it so all the jurors can see.

11 THE WITNESS: I'm sorry.

12 My vehicle --

13 THE COURT: No, no. Let --

14 MR. PROCTOR: How's that?

15 THE WITNESS: My vehicle would have been here.

16 BY MR. PROCTOR:

17 Q. Okay. And what direction did you walk in?

18 A. Southbound. In this direction, down.

19 Q. And who did you see as you walked that way?

20 A. Lieutenant Rice was (indiscernible at

21 11:11:30 a.m.)

22 Q. And as best as you can point out on Defendant's
23 Exhibit 1, where was Lieutenant Rice?

24 A. Let's see.

25 THE COURT: You need to move out the way of the

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THE WITNESS: I'm sorry.

It may be covered up. Somewhere in here.

BY MR. PROCTOR:

Q. Okay. You can take the witness stand again.

So when you see Lieutenant Rice, do you have a discussion with him?

A. Yes.

Q. And based on that, what do you do?

A. From there, I began searching for a second suspect that he said was in this area, general area.

Q. Okay. I'm showing you what's about to be marked --

MR. MURTHA: 9. 9; is that correct?

MR. PROCTOR: As a defendant's exhibit.

THE CLERK: Number 9.

MR. PROCTOR: 9.

(Defendant's Exhibit Number 9 was received in evidence.)

THE COURT: Is it for ID or for entry?

MR. PROCTOR: It's for entry.

THE COURT: Any objection?

MR. SCHATZOW: No objection.

BY MR. PROCTOR:

Q. I'm showing you what's been marked as

1 Defendant's Exhibit 9, and ask you if you recognize that?

2 A. Yes. That looks familiar.

3 Q. What is it?

4 A. That's going to be Bruce Street, and that is

5 Presbury.

6 Q. Okay. And does that fairly and accurately

7 depict the area where you were looking for the second

8 suspect, part of it?

9 A. I -- yes. I would have been behind these

10 houses here.

11 Q. Okay. And you're pointing to the top right

12 corner of the screen, to the right of where the person on

13 the bicycle is?

14 A. Yes.

15 MR. PROCTOR: I'd ask that be published to the

16 jury.

17 THE COURT: Very well. It's entered and

18 published.

19 (Brief pause.)

20 THE COURT: Excuse me one moment.

21 (Brief pause.)

22 THE COURT: You can retrieve it.

23 MR. PROCTOR: Thank you, sir.

24 BY MR. PROCTOR:

25 Q. So, Officer Porter, as you're searching for the

1 second suspect, do you hear anything?

2 A. Yes, sir. While searching for the second
3 suspect, I can hear a gentleman, I didn't know at the
4 time, but I know now, to be Mr. Gray. He was just
5 yelling inaudible stuff. At some point in time, he said
6 I can't breathe, I need an asthma inhaler. He also said
7 something about his legs. I could hear -- I was just a
8 block over, and I could hear what he was yelling.

9 Q. So you can hear it, but can you see it?

10 A. I cannot see it, no. I'm behind houses.

11 Q. So approximately how long do you spend
12 searching for a second suspect?

13 A. I don't have a good -- it was -- it wasn't --
14 it was a short time. It wasn't very long.

15 Lieutenant Rice walks back over -- walks back
16 to me and, you know, tells me to 10-6, don't continue
17 that search any longer.

18 Q. Okay. So again --

19 THE COURT: Excuse me one second. I need
20 Defense 9. I need it over here with the exhibits
21 until --

22 MR. PROCTOR: Absolutely, sir.

23 THE CLERK: Thank you.

24 THE COURT: Thank you.

25 BY MR. PROCTOR:

1 Q. What's a 10-6, sir?

2 A. A 10-6 just means to stand by.

3 Q. It means -- okay.

4 So after Lieutenant Rice says 10-6, where do
5 you go?

6 A. From there I just do some -- some crowd control
7 over -- I'm on Mount Street and Presbury. Just standing
8 at that corner, there was some -- some citizens there
9 just expressing that they didn't like the way Mr. Gray
10 was arrested.

11 Q. At stop one, the -- with all -- you've been
12 present for testimony; right?

13 A. Yes.

14 Q. And you've heard people describe the six stops;
15 right?

16 A. Yes.

17 Q. And what we're talking about at the moment is
18 Stop 1; is that true?

19 A. Yes. That is the moment -- that's what we're
20 talking about at the moment, yes.

21 Q. Do you ever see the wagon at Stop 1?

22 A. The wagon just may be pulling away, but no I
23 don't see the wagon.

24 Q. Do you ever see it with the doors open?

25 A. No. No.

1 Q. Did you ever see anyone inside it?

2 A. No. I never saw anyone get inside it.

3 Q. Did you ever see anyone getting lifted up into
4 it?

5 A. No.

6 Q. So you're talking about crowd control in Gilmor
7 Homes?

8 A. Yes.

9 Q. In your experience, how many of the arrests
10 you've been present at happened at Gilmor Homes?

11 A. A large number happened in Gilmor Homes.
12 Gilmor Homes -- yes, a lot.

13 Q. So in your experience, when someone gets
14 arrested at Gilmor Homes, what happens?

15 A. When someone gets arrested in Gilmor Homes --
16 it's a housing project. Typically, people tend to come
17 out and start -- a crowd starts to gather, and they --
18 they just start to yell things at us.

19 Q. So why did you feel it necessary to do crowd
20 control?

21 A. Just because I -- I -- during my shifts, I
22 frequently walk foot in Gilmor Homes, and I'm a familiar
23 face, and I know people by first names, and I talk to
24 them a lot. So, you know, I can typically get people to
25 calm down in -- in the Gilmor Homes.

1 Q. Did you see the -- the video that was shown, I
2 think it was Mr. Moore recorded. Did you see that video?

3 A. I saw that video in court, yes.

4 Q. And there were people screaming and hollering?

5 A. There are, yes.

6 Q. Is that a frequent occurrence?

7 A. Absolutely, in Gilmor Homes, yes.

8 Q. So after the -- how long do you spend, roughly,
9 doing crowd control?

10 A. Not long at all. Lieutenant Rice instructed
11 everybody to clear out and get out of Gilmor Homes pretty
12 -- pretty quickly.

13 Q. So what did you do?

14 A. I then walked back to my vehicle and controlled
15 -- I mean, continued my regular patrol duties.

16 Q. Okay. Roughly, do you recall what direction
17 you drove in?

18 A. From Westwood, I probably went northbound on
19 Fulton and then went eastbound on North Avenue.

20 Q. And what's the next thing of any significance
21 that happens?

22 A. I -- I hear someone call for the wagon to go to
23 Mount and Baker so that it could place shackles on, I
24 know now to be Mr. Gray, and fill out the Central Booking
25 Bin Number thing.

1 Q. Is that commonly called the toe tag?

2 A. It is commonly called the toe tag, yes.

3 Q. Tell the jury what a toe tag is.

4 A. A toe tag is just, you know, we place --
5 there's identification numbers when you take people into
6 Central Booking. We call it the Bin Number. You just
7 write down the Bin Number from the bracelet that we place
8 on the prisoner.

9 And you just write on a piece of paper and the
10 wagon driver or the transport driver hands it over to the
11 people over at Central Booking. And that's how you --
12 that's the receipt for the prisoner.

13 Q. Okay. So you hear someone say they're going to
14 toe tag him.

15 A. Yes.

16 Q. Does anyone request for assistance?

17 A. After -- after they -- after the wagon -- I
18 guess after the wagon heads back there, there's another
19 call on the radio, just for one more unit I think they
20 said, and I respond. I had just been up the street. I
21 was going to Mount and Baker.

22 Q. Was there a code given?

23 A. I'm -- I'm not certain. I don't recall.

24 Q. So why'd you go?

25 A. Just that's what I do. That's my sector. I

1 work in Sector 4. And that's my responsibility.

2 Q. And, by the way, we talked about the hierarchy,
3 okay. And your shift is Baker shift?

4 A. At that time it would have been Baker shift,
5 yes.

6 Q. How many people are supposed to be working on a
7 Baker shift?

8 A. 17 officers.

9 Q. How many were there that day?

10 A. It may have been 10 to 11 officers there.

11 Q. How many sergeants are you supposed to have in
12 a shift?

13 A. Three sergeants, or it should be four sergeants
14 for every sector, but three to four sergeants.

15 Q. How many on a shift?

16 A. On a shift? Like I said, three to four
17 sergeants, depending on how many sectors there are in the
18 District.

19 Q. How many were there that day?

20 A. Just one.

21 Q. How many wagons are you supposed to have on a
22 shift?

23 A. There's supposed to be two wagons for my
24 District.

25 Q. And how many were working that day?

1 A. Just one.

2 Q. So now let's talk about Stop 2; okay? Because
3 I think everybody in here knows what Stop 2 is.

4 You said you headed over there. When you go
5 there, what's going on?

6 A. I stopped my car about 20 feet back. I could
7 hear the crowd. I could hear people yelling at the
8 officers at the wagon. They were saying, you know, don't
9 -- you beat him, why'd you beat him, why'd you tase him.
10 And there some expletive language.

11 I then walked up to the back of the wagon.
12 They were pulling -- at that time, I didn't know who it
13 was, you know, because it was officers standing in front
14 of whoever the suspect was.

15 And they were -- as they pull him into the
16 wagon, I turned around and I go to the crowd because
17 there's three officers and one suspect. So there's no
18 need for me to be over there. And I go to the crowd.

19 Q. So who pulled him into the wagon?

20 A. Well, I know now to be Lieutenant Rice.

21 Q. Did you know at the time?

22 A. Not at the time, I didn't know. I speculated
23 between either Lieutenant Rice or Officer Nero.

24 Q. Okay. And did you see Mr. Gray get lifted up
25 into the wagon?

1 A. I think he began to go before I turned around.

2 Q. I'm sorry. Can you repeat that?

3 A. I'm not certain. He may have been -- well, he
4 may have been just getting into the wagon. I think I
5 said something about his feet were kicking, and the other
6 two officers grabbed his feet, and placed him in the
7 wagon.

8 Q. So then within a few seconds, I think I heard
9 you say that you turned away from the wagon; right?

10 A. Yes. I turned around to the wagon to -- just
11 to do more crowd control. We want to make sure someone
12 doesn't come up to the back of the wagon and, you know,
13 do something, honestly.

14 Q. Why didn't you assist them in lifting Mr. Gray
15 into the wagon?

16 A. Why did I or why didn't I?

17 Q. Why did you not?

18 A. I did not because there were enough officers
19 there. There was three officers and one detainee.
20 There's only --

21 Q. Who was handcuffed?

22 A. Who was handcuffed. There was no need for me
23 to go over there.

24 Q. Okay. So I think I heard you say you did crowd
25 control?

1 A. Yeah. I began walking over to the crowd.

2 Q. What does that entail?

3 A. Just trying to get them to calm down. And --
4 and if I can, get them to leave the scene. Just --

5 Q. And is that the conversation you had with
6 Brandon Ross (phonetic)?

7 A. That's -- that's when Brandon Ross asked me to
8 come over to him.

9 Q. Now, Brandon Ross has testified; right?

10 A. Yes.

11 Q. Tell the jury what you know about Brandon Ross.

12 A. I've -- I've -- Brandon Ross and Freddie Gray
13 hung out a lot. I've seen -- like I said, Sector 4,
14 which is the area we're talking about generally, is the
15 sector I'm in. And I'm usually walking foot there. I'm
16 usually talking with Brandon Ross or Freddie Gray or
17 various people in Gilmor Homes.

18 So I've seen him a bunch. I've never actually
19 arrested him, but I've been there while he's been
20 arrested also.

21 Q. Okay. Have you ever arrested Freddie Gray?

22 A. I never arrested Freddie Gray, no.

23 Q. So you have this -- tell the jury about your
24 conversation, as you recall it, with Brandon Ross.

25 Q. Well, being the type -- being the officer that

1 I am, I built a rapport with Brandon Ross and the other
2 guys in the neighborhood. So Brandon asked me to come
3 over. And he was just explaining to me that he -- he's
4 upset with the officers tasing Mr. Gray and beating Mr.
5 Gray. And I'm just explaining to him I had never -- I
6 didn't see anybody tase him or beat him or anything.

7 And he asked for a supervisor. I -- I point
8 out my supervisor on the scene, and let him know that
9 Lieutenant Rice is the highest guy in the District, and
10 he would need to talk to Lieutenant Rice. He said that
11 wasn't good enough.

12 I then instructed him to call 911. He didn't
13 think that was a good enough fix. So he said, you know,
14 we got it on video. And I told him, you know, if you've
15 got it all on video then, you know, go to the media with
16 it and get it broadcasted.

17 Q. And he did; right?

18 A. I guess so.

19 Q. You mentioned the taser.

20 A. Yes.

21 Q. Did you have one?

22 A. I was not issued a taser. No, I didn't have a
23 taser.

24 Q. Did you see the wagon doors close?

25 A. No. I didn't see the wagon doors close. I was

1 talking to Brandon Ross.

2 Q. Do you know what position Mr. Gray was put in
3 inside the wagon?

4 A. I saw him being pushed -- put into the wagon.
5 But no, I didn't -- I don't know what position he ended
6 up in.

7 Q. And do you know if he was seat belted when he
8 put in the wagon?

9 A. I -- no. I'd be making assumptions about it if
10 I were to say that.

11 Q. And by the way, you've both put people in a
12 wagon yourself, and assisted other officers doing it;
13 right?

14 A. Typically, when you arrest people, they
15 don't -- they don't want to be arrested. And they tend
16 to fight back sometimes -- or just sort of actively
17 resist. Not fighting, not throwing strikes at the
18 officers, but actively resisting and refusing to get into
19 the wagon.

20 So yes, I've had instances where I've -- you
21 know, I was hit with a wagon door. Or they kick the
22 door, and the door hit me.

23 Q. So --

24 A. And I've seen that happen to officers, too.

25 Q. Have you seen other officers get injured

1 loading people into a wagon?

2 A. Not injured to the point where they needed to
3 get medical attention, but, you know -- you know, maybe a
4 jammed finger or, you know, little cuts, little bruises.

5 Q. So after talking to Brandon Ross, what did you
6 do?

7 A. Oh. After talking to Brandon Ross and -- he
8 then walks off. Then I walk back over to the wagon
9 because I can hear the -- I can hear kicking -- or what I
10 think to be kicking. I can hear there's bumps, and I can
11 see the wagon shaking side to side, not back and forth
12 but side to side.

13 Q. Put your hand up as if it's the wagon. Show me
14 how it was shaking.

15 A. It was going side to side.

16 Q. You're familiar with Freddie Gray; you've
17 arrested Freddie Gray. Ballpark, what was he like?

18 A. I haven't -- I haven't arrested him.

19 Q. I'm sorry. You're right.

20 Being in contact with him on a daily basis,
21 what does he weigh, roughly?

22 A. Probably 130, 150 pounds, something around
23 there.

24 Q. And the wagon is shaking; is that correct?

25 A. Yes. The wagon was shaking.

1 Q. And can -- is there any loud voices happening?

2 A. There's yelling. It's inaudible. He's not
3 saying any specific or distinct.

4 Q. Now, let me show you what's been marked --

5 MR. PROCTOR: Let me show Mr. Schatzow first.

6 (Brief pause.)

7 BY MR. PROCTOR:

8 Q. What's been marked as Defendant's Exhibit 10
9 and ask if you recognize that?

10 (Defendant's Exhibit Number 10
11 was marked for identification.)

12 THE WITNESS: Yes. It's CCT footage from --
13 that appears to be Mount Street.

14 Q. And what does it depict?

15 A. In the -- in the picture, I can see Brandon
16 Ross. I also see myself. And there's another officer
17 there. And it looks like there's somebody behind us.

18 MR. PROCTOR: Judge, I'd move Defendant's
19 Exhibit 10 into evidence.

20 MR. SCHATZOW: No objection, Your Honor.

21 THE COURT: So entered.

22 (Defendant's Exhibit Number 10
23 was received in evidence.)

24 MR. PROCTOR: May I just publish it again?

25 THE COURT: You may.

1 MR. PROCTOR: While the jury is looking at
2 that, if I can just reload?

3 THE COURT: Absolutely.

4 (Brief pause.)

5 THE COURT: Actually, Counsel, approach while
6 they're looking at that.

7 MR. PROCTOR: Yes, sir.

8 (Counsel approached the bench, and the
9 following ensued:)

10 THE COURT: (Inaudible at 11:30:00 a.m.)

11 MR. PROCTOR: I'm doing all right. I'd rather
12 keep going, but it's up to you. If you want to take a
13 break, I'll take one.

14 THE COURT: (Inaudible at 11:30:06 a.m.)

15 MS. BLEDSOE: A break?

16 MR. PROCTOR: Well, if it will make your life
17 easier, I won't stand in the way of that.

18 THE COURT: Literally, five minutes. As soon
19 as they finish, we'll break.

20 (Counsel returned to the trial table, and the
21 following ensued:)

22 (Brief pause.)

23 THE COURT: All right. Ladies and gentlemen,
24 we're going to take about -- not about, we're going to
25 take a five-minute break.

1 Please do not discuss this testimony, even
2 among yourselves.

3 Leave your notepads on the chair.

4 All rise for the jury.

5 (Brief pause.)

6 (Whereupon, the jury was excused from the
7 courtroom at 11:31 a.m.)

8 THE COURT: Thank you. Everyone may be seated.

9 Counsel, approach.

10 (Counsel approached the bench, and the
11 following ensued:)

12 THE COURT: I only need one. I don't need
13 both. I just need one. That's all I need.

14 It's usually a five-minute break (inaudible at
15 11:32:04 a.m.) And then we'll just go until lunch. And
16 lunch (Inaudible at 11:32:08 a.m.) break then.

17 I assume you have a bit more of the officer?

18 MR. PROCTOR: 25-30 minutes probably.

19 THE COURT: So we may be able to begin with
20 cross, but maybe not. We'll see.

21 (Counsel returned to the trial table, and the
22 following ensued:)

23 THE CLERK: All rise.

24 (Whereupon, a recess was taken at 11:32 a.m.,
25 and the matter resumed at 11:42 a.m.)

1 THE COURT: Thank you. Everyone may be seated.
2 You may remind the witness.
3 THE CLERK: You may be seated. Just reminding
4 you you're still under oath. State your name for the
5 record.
6 THE WITNESS: William Porter.
7 THE COURT: You may proceed.
8 MR. PROCTOR: Thank you.
9 BY MR. PROCTOR:
10 Q. Officer Porter, when we left off, we just
11 admitted Defendant's Exhibit 10 into evidence.
12 Is that a captured image of the discussion with
13 Brandon Ross that you've already testified about?
14 A. Yes, sir. It is.
15 Q. And what's Brandon Ross doing? Do you remember
16 that moment in time?
17 A. Vaguely.
18 Q. What's Brandon Ross doing?
19 A. He -- he was -- he was very upset. He was
20 yelling. He was very emotional.
21 Q. And where are your hands, sir?
22 A. Just down by my side, and in -- in -- we call
23 it the interview stance, just down by your side.
24 Q. Now, what dose the interview stance -- what
25 does that mean?

1 A. You know, just when you're -- I'm trying to
2 show Brandon Ross that I'm not being aggressive with him.
3 I'm just keeping my hands by my side, and just having a
4 conversation with him with hopes that he'll then calm
5 down and have a conversation with me.

6 Q. And he did; right?

7 A. Well, not really. He kind of just walked away.

8 Q. Okay. So you testified right before the break
9 about the wagon shaking; is that correct?

10 A. Yes. Yes.

11 Q. While the wagon was shaking, what were you
12 doing?

13 A. I was then talking to Officer Miller. Officer
14 Miller was filling out the toe tag. But he was having
15 difficulty because the wagon -- he was filling it out on
16 the side of the wagon. He was having difficulty because
17 the wagon was shaking back -- side to side.

18 Q. So I understand and the jury understands,
19 you're saying he was writing on the side of the wagon
20 like this?

21 A. That's correct.

22 Q. But because the wagon was shaking, his hand
23 wasn't steady?

24 A. That is correct.

25 Q. And during that conversation -- who is Officer

1 Miller?

2 A. Officer Miller is just a guy that I work with.
3 We were in the academy together. And, unfortunately,
4 he's also a part of the Freddie Gray case.

5 Q. Okay. So at that point, did you learn
6 anything?

7 A. At that point in time, I asked who -- who this
8 prisoner was because it was causing such a -- you know, a
9 ruckus in the Gilmore Homes and in the (indiscernible at
10 11:44:31 a.m.)

11 Q. And who was the prisoner?

12 A. The prisoner was Mr. Freddie Gray.

13 Q. And --

14 THE COURT: Counsel, approach.

15 (Counsel approached the bench, and the
16 following ensued:)

17 THE COURT: I just got a note from Juror Number
18 8 saying I'm having a difficult time consistently hearing
19 defense counsel.

20 MR. PROCTOR: I'm doing what I can, Judge.

21 THE COURT: I'm sure you are. Your voice does
22 come in and out.

23 MR. MURTHA: Should you stand closer?

24 MR. PROCTOR: I'll stand closer to the jury.

25 As long as Officer -- if Officer Porter can't

1 hear me, he won't be able to answer the question.

2 MR. SCHATZOW: Can you order him not to breathe
3 in my direction, Your Honor?

4 THE COURT: I understand that. That's fine.

5 (Counsel returned to the trial table, and the
6 following ensued:)

7 BY MR. PROCTOR:

8 Q. Officer Porter, if you can't hear me, let me
9 know; okay?

10 A. I will.

11 MR. PROCTOR: And, Judge, if the jury can't
12 see, can you let me know?

13 THE COURT: Well, maybe -- it's a difficult
14 position. This is the way the courtroom is set up.

15 If you can't see something, just signal, raise
16 your hand, and I'll be looking for any of you.

17 Backup some anyway. That's forward. Backup
18 and stop.

19 MR. PROCTOR: I'll try over here.

20 THE COURT: That's fine.

21 BY MR. PROCTOR:

22 Q. Officer Porter, you said that you learned from
23 Officer Miller that it was Freddie Gray; right?

24 A. Yes. Yes.

25 Q. What did the name Freddie Gray mean to you?

1 A. Well, I've known Freddie Gray from the
2 neighborhood. I've seen him a bunch of times. But what
3 I said to Officer Miller was that he had done the same
4 thing or similar to the same thing about two weeks
5 earlier where he was arrested in Gilmor Homes, at Mount
6 and Baker again. But this time he was attempting to kick
7 out the windows of an SUV.

8 After being arrested, Sergeant Stevens asked
9 for backup because Gilmor Homes began to empty out again.
10 And I responded there.

11 Q. And what did you see Mr. Gray do?

12 A. I saw him attempt to kick out the windows. And
13 that's when we opened up the door -- or I didn't open the
14 door, but one of the officers opened the door, and you
15 know, tried to calm him down.

16 Q. Had you -- I think you already testified that
17 you, yourself, had never arrested Freddie Gray.

18 A. I have never arrested Freddie Gray, no.

19 Q. Had you seen him be taken in police custody on
20 prior occasions?

21 A. Yes.

22 Q. And typically, what would happen?

23 A. He would --

24 MR. SCHATZOW: Objection, Your Honor.

25 THE COURT: Sustained.

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BY MR. PROCTOR:

Q. On these prior occasions you've seen him taken into custody, what, if anything, did you see?

A. He would use --

MR. SCHATZOW: Objection, Your Honor.

THE COURT: Overruled. As to what he saw, he can testify.

THE WITNESS: He would usually act out and yell and feign some type of injury.

BY MR. PROCTOR:

Q. Okay. Let's take this one on one.

He would usually act out how?

A. Just yelling and -- and sometimes he -- he would, you know, actively resist not -- not attempt to hurt any officers, but actively, you know, pull away whenever you had him in custody.

Q. Okay. Yell?

A. Yes, he would yell.

Q. And let's go back to Stop 1 for just a second.

When you were searching in the back of this -- in the back of those yards; you remember that?

A. Yes.

Q. You now know from the video where the wagon is; right?

A. Yes.

1 Q. So from where you were searching to where the
2 wagon was, how far is that?

3 A. It's not far at all. I would have been
4 essentially in the backyard of the houses where the video
5 was filmed.

6 Q. Okay. So ballpark?

7 A. I don't know. I don't know.

8 Q. Okay. But you could hear him yelling from
9 however far away it was?

10 A. Yes. I could hear him.

11 MR. SCHATZOW: Objection, Your Honor. This is

12 --

13 THE COURT: Sustained. Sustained.

14 Again, do not lead.

15 BY MR. PROCTOR:

16 Q. Could you hear -- you could hear someone
17 yelling?

18 A. I could hear someone yelling, yes.

19 Q. Now, back to Stop 2, over how long that you saw
20 it was the wagon shaking?

21 A. Probably around five to eight minutes.

22 Q. Okay. And then what happens?

23 A. Well, then the wagon pulls away, and I continue
24 to have conversation with Officer Miller and Officer
25 Nero.

1 Q. Okay. And ballpark, how long was that
2 conversation?

3 A. It's not long at all. Probably another four
4 minutes or so. And then I get back in my car and
5 continue patrol duties.

6 Q. Okay. So where do you go?

7 A. I -- I'm just driving around Sector 4.

8 Q. Okay. And what's the next thing that happens,
9 if anything?

10 A. The next thing that happens is Officer Goodson
11 asks for a 10-11, for someone to meet him over on Druid
12 Hill and Dolphin.

13 Q. What's a 10-11?

14 A. A 10-11 just to meet -- just means to meet
15 someone.

16 Q. Okay. And who responded?

17 A. I answered up. And I didn't know where Dolphin
18 was. But from working in the Western District, I knew
19 where Druid Hill was. So I just took Druid Hill down to
20 Dolphin.

21 Q. Okay. Stop -- we're calling it Stop 5; right?

22 A. Yes.

23 Q. Which is where?

24 MR. MURTHA: Four.

25 MR. PROCTOR: Four?

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BY MR. PROCTOR:

Q. I'm sorry, Stop 4. We're calling it Stop 4, which is where?

A. Stop 4 is --

Q. Druid Hill and Dolphin?

A. I thought that was -- the other stop at -- Goodson stopped at by himself.

Q. That's three.

A. That's three?

MR. PROCTOR: Pretty sure. Let me step over here.

It's over here. Thank you.

If I may show it to the witness?

THE COURT: You may.

BY MR. PROCTOR:

Q. So let me just hold that right here.

Keep your voice in the microphone.

THE COURT: Well, why don't you do the same? There's a microphone there.

MR. PROCTOR: Yes.

BY MR. PROCTOR:

Q. So you just testified you left Stop 2; is that correct?

A. That was correct.

Q. And you go back to your patrol duties?

1 A. Yes, sir.

2 Q. And you hear a call over the radio for a wagon
3 check?

4 A. Yes, sir.

5 Q. And where was that?

6 A. That was a Druid Hill and Dolphin.

7 Q. Do you see that on this map?

8 A. There.

9 Q. And that's Stop 4; isn't it, sir?

10 A. That is labeled as Stop 4, yes.

11 Q. Okay. Is Stop 4 in the Western District?

12 A. It is not in the Western District, no.

13 Q. So in your entire police career what District
14 was that spent in?

15 A. From the academy, I went over to the Western
16 District where I walked foot. I'm sorry. Field
17 training. From field training, I went to the Western
18 District where I walked foot. And from foot, I became a
19 patrol officer in the Western District, all in the
20 Western District.

21 Q. So when you hear Druid Hill and Dolphin, do you
22 know exactly where that is?

23 A. No. But I know where Druid Hill is.

24 Q. So then what do you do?

25 A. At that point in time I was on North Avenue. I

1 just take North Avenue over to Druid Hill Avenue. And
2 from Druid Hill Avenue, there's a one-way street, so I go
3 southbound on Druid Hill until I reach Dolphin.

4 Q. Okay. And when you get to Dolphin, what, if
5 anything, do you see?

6 A. When I get to Dolphin, I stop just before the
7 intersection. And across the intersection, I could see
8 the transport wagon pulled over into a parking spot.

9 Q. Okay. So said you stopped. What did you do
10 next?

11 A. From there, I exited my vehicle. Officer
12 Goodson also exited his vehicle and began to walk to the
13 back. By the time I crossed the intersection, he was --
14 just said to me, you know, help me check this prisoner --
15 check the prisoner.

16 Q. Okay. And what happens next?

17 A. The doors are opened, and I see Mr. Freddie
18 Gray laying chest down or stomach down. His head is to
19 the -- towards the cabin of the vehicle, and his feet are
20 to the rear of the door. I then say to him, what's up,
21 and he says, help.

22 From saying help, I say how can I help you;
23 what's wrong with you. And then he says, can you help me
24 up. I think I help him up. Or -- or we're just
25 kneeling, and I'm talking to him.

1 Q. Hang on one second.

2 So I just want to make sure I understand. He's
3 lying on his chest?

4 A. On his chest, yes.

5 Q. And what's his head facing?

6 A. I can't remember what side his head may have
7 been facing to, but --

8 Q. It was on one side?

9 A. It was on one side or the other, yes.

10 Q. So his chin was not touching the floor of the
11 wagon?

12 A. No.

13 Q. One cheek or the other was?

14 A. One cheek or the other was.

15 Q. Okay. And when you have this conversation with
16 Mr. Gray, where is Officer Goodson?

17 A. He was just to the rear of the wagon, just
18 standing outside the doors.

19 Q. Could you estimate how far?

20 A. I don't have a specific length. But, you know,
21 if I were to reach back, I couldn't touch Officer
22 Goodson.

23 Q. You could not?

24 A. Could not touch Officer Goodson, no.

25 Q. So he was a few feet away?

1 A. Yes.

2 MR. PROCTOR: Judge, can Officer Porter come
3 off the stand? And can I use Mr. Murtha?

4 THE COURT: If you want to sit this way?

5 BY MR. PROCTOR:

6 Q. Officer Porter, could you come off the stand?

7 MR. PROCTOR: Mr. Murtha?

8 And one more thing, Judge.

9 BY MR. PROCTOR:

10 Q. Officer Porter, could you put Mr. Murtha in the
11 position Mr. Gray was when you opened the wagon?

12 MR. PROCTOR: And, Judge, is it -- could you
13 tell the second row of the jury that they can stand up?

14 THE COURT: Very well.

15 THE WITNESS: All right. This would have the
16 position --

17 BY MR. PROCTOR:

18 Q. Keep your voice up, sorry. I know --

19 A. This would have been the position that Mr. Gray
20 was sitting in -- or laying in.

21 THE COURT: When I said everybody, I meant
22 everyone in the jury. Everyone else, sit down, please.

23 BY MR. PROCTOR:

24 Q. Okay. And pretend this chair's the bench. Put
25 the bench in relation to where Mr. Gray was.

1 A. Obviously --

2 Q. You can hold this.

3 A. It was expanded -- it was expanded, but it was

4 --

5 Q. How far?

6 A. It would have been, you know, just that far.

7 Q. Okay. And so -- so the record is clear, the

8 rear of the wagon is where, sir?

9 A. Where you're standing.

10 Q. Okay. So where were you standing?

11 A. I would have been standing where you're --

12 where you're standing.

13 Q. Okay. Let's trade places then.

14 So the wagon, you had gotten into it?

15 A. Yes.

16 Q. So then just show the jury, and if you could

17 because we're trying to make record here, kind of talk us

18 through it as you do it, what you did?

19 A. All right. Well, at this point in time, he

20 would -- he asked for help. So the wagon is kind of

21 tight. So --

22 Q. Is Mr. Murtha's head where Mr. Gray's head was,

23 or should he turn?

24 A. I don't remember which side his head was turned

25 to, but he wasn't face down.

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Q. Okay.

A. All right. And I would have gone on the side, and reached under his arms and tried to brace myself. You know, try to get him this way. That's the way we were. I was just standing behind him this way, and I was talking to him. He was looking at me this way.

Q. Okay. And then did there come a time you helped him on the bench?

A. Yeah, eventually. Then we, you know, we kind of slid back and he assisted me in sliding back, and he would have been on bench side.

Q. Okay. Thank you. If you can you go back to the stand. I just wanted to walk through that.

MR. PROCTOR: Judge, would you like to mark Mr. Murtha and take him into evidence, there'd be no objection.

THE COURT: That'd be fine.

(Laughter.)

BY MR. PROCTOR:

Q. So let's walk through it one at a time.

THE COURT: Hold on a sec. Hold on, hold on.

Okay.

BY MR. PROCTOR:

Q. So you put your arm under his left armpit?

A. Yes. My -- my right arm to -- under his left

1 armpit.

2 Q. And I should have asked this a moment ago. Did
3 you have a gun on that day?

4 A. Yes. Absolutely.

5 Q. And if you could stand up and just show the
6 jury where on your body your gun is placed.

7 A. It was just on the side here.

8 Q. Okay. So on your right hip?

9 A. On my right hip, yes.

10 Q. Okay. Thank you. Have a seat, please.

11 So Mr. Gray's hands, were they cuffed?

12 A. They were cuffed. They were in a -- flex
13 cuffs, but yes, they were cuffed.

14 Q. In the rear?

15 A. In the rear.

16 Q. So as you're helping Mr. Gray up, how close
17 were his hands to your gun?

18 A. They're very close.

19 Q. So let me ask you this. I just said as you're
20 helping him up. Did you lift him and pick him up and put
21 him on the bench? How did that work?

22 A. That would be -- that would be physically
23 impossible to pick up a 150 pound man. I weight 220
24 pounds. To physically pick him up and put him someplace.
25 There's no way I would able to do that.

1 Q. Okay. So --

2 A. He obviously -- he assisted me in helping
3 himself kneel. And he obviously assisted me in sitting
4 on the bench.

5 Q. You've heard testimony at this trial of what --
6 whether he was stuck; do you remember that?

7 A. I do.

8 Q. Based on your observations, was he?

9 A. I -- I -- I'd be assuming if I were to say
10 that. I have no idea if he were stuck. He just asked me
11 to help him up on the bench, and I helped him on the
12 bench.

13 Q. Okay. So you put him on the bench, what
14 position is he in?

15 A. I assisted him to the bench, and he's just --
16 with his hands behind his back, and he's just leaning
17 against the -- I'm sorry. Just sitting regularly, that
18 you would sit on a bench with handcuffs on.

19 Q. And it's hard to see you on that witness stand.
20 Could you just come down for one more minute?

21 Could you sit in this chair the way Mr. Gray
22 was sitting on the bench?

23 A. Just sitting like this. And he's leaning
24 against the back of the wall, the east wall.

25 Q. Okay. So -- go back to the witness stand,

1 please, sir.

2 Is he supporting his own head?

3 A. Yes, he is supporting his own head.

4 Q. So do you have any further conversation with
5 him?

6 A. There -- we talked about the -- you know, I
7 asked him just how we're going to get to jail today
8 because we've already had to stop multiple times. He was
9 acting out. And I'm just like how are we going to get
10 you to jail today, man, you know, it's taking way too
11 long. And I was like what do you need, like, go to the
12 hospital, you need a medic or something. Because
13 typically people feign injury or, you know, they just
14 don't want to go to jail. They --

15 Q. Let's talk about that a little. Are you
16 familiar with the term jailitis?

17 A. I'm familiar with jailitis, yes.

18 Q. What is it?

19 A. Just feigning injury with hopes that, you know
20 -- we're understaffed, so if -- if it's just a petty
21 crime, we call -- like loitering or something like that,
22 the officer will write you a citation or find other means
23 in -- to not taking you to jail.

24 Q. Tell the jury about the first arrest you ever
25 made.

1 A. The first arrest I ever made was a gentlemen by
2 the name Tyrone Johnson (phonetic). It was in Gilmor
3 Homes, 1400 Mount More Court (phonetic), one of the
4 courts in there. I'm sorry, one of the homes there.

5 And we had someone watching the CCTV, which we
6 had footage from. Someone was watching the camera, and
7 they see -- see Mr. Johnson smoking marijuana.

8 Me and Officer Miller attempt to stop Mr.
9 Johnson. Mr. Johnson then attempts to flee into a house.
10 Fresh pursuit, we go after him.

11 After he's in the house, he begins to resist.
12 He puts his hand down by his dip, and he won't move his
13 hands.

14 And then we're all -- we're just sliding across
15 the floor. By the time we get to a television stand, he
16 then throws his hands up like this, and we were able to
17 cuff him up. And I bring him outside, and I'm talking
18 with him. We're trying to find the marijuana he was
19 smoking.

20 Officer Miller went into -- or stayed in the
21 house and searched under the TV stand. There, we located
22 CDS. Once Officer Miller came outside and said we have
23 your CDS, then Tyrone Johnson said, oh, I'm having a
24 seizure, and he kind of just shakes and falls to the
25 ground.

1 Q. Okay. And what did you do?

2 A. We called for a medic. We transported him to
3 the hospital. The doctor said he can't be for certain,
4 but they definitely don't think that he had a seizure,
5 especially if he was able to tell me that he was having a
6 seizure.

7 Q. And you said you called for a medic.

8 A. Yes.

9 Q. Why did you call for a medic?

10 A. Well, there was a -- he was shaking on the
11 ground. There was an exigent circumstance.

12 Q. And you and I know what exigent means, but --

13 A. This is an emergency -- just it is apparent it
14 is emergent. That's what exigency means.

15 Q. So when Mr. Gray called for a medic, what would
16 it have taken for you to get on the radio right there?

17 A. I think what you -- what you mean is for me to
18 call for a medic for Mr. Gray.

19 Just talking to him, he never made, like, a
20 complaint of injury or pain or anything. And I'm asking
21 him questions, and he's not unresponsive. He's just not
22 responding to the -- to certain questions I'm asking.
23 And when I asked him if he wanted to go to the hospital,
24 he said, yes, I want to go to the hospital.

25 So having just given me -- in order for me to

1 call a medic or call an ambo, I need age, sex, I need to
2 tell them my location, and I need a complaint of injury.
3 If there's no complaint of injury, I have nothing to tell
4 the medics when they respond to the scene. So --

5 Q. So when you helped Mr. Gray up to the bench --

6 A. Yes.

7 Q. Did he appear to be in any pain?

8 A. No, he did not appear to be in any pain. No.
9 He just, to me, he looked tired. "Lethargic" is the word
10 I used. He just looks tired.

11 Q. What's an adrenaline dump?

12 A. An adrenaline dump is, you know -- I've had an
13 adrenaline dump chasing a guy for like eight blocks. And
14 once I get to him, it's just he and I, and he wanted to
15 fight with me, so I ended up taking him to the ground.
16 And I'm just holding him on the ground until more
17 officers show up. And then they cuff him up, and then
18 I'm just tired.

19 And, you know, I had run for eight -- eight --
20 eight blocks. And then I had to wrestle with this guy
21 for, I don't know, 45 seconds until the other officers
22 showed up. I was just tired, and I just, you know, felt
23 like I was going to throw up or something like that.

24 Q. So when you said in your statement that Mr.
25 Gray was having an adrenaline dump, what did you mean by

1 that, sir?

2 A. It appeared to me that he was, you know -- just
3 based on my training and experience, it seemed to me that
4 he was having an adrenaline dump because he was -- it
5 takes some kind of force to make that wagon go side to
6 side, as opposed to back and back, where you're using the
7 shocks. Side to side is a little different. He had been
8 doing it for a while.

9 Q. Okay. Was he making eye contact?

10 A. He was making eye contact, yes.

11 Q. When he was answering your questions, was he
12 answering them in a normal tone of voice?

13 A. Just a normal tone of voice, yes.

14 Q. Have you ever had a detainee refuse to talk to
15 you?

16 A. Absolutely. People -- you know, people
17 exercise their Miranda Rights all the time.

18 Q. And you and I know what that is, but let's talk
19 about a few terms that have just come up.

20 You said he had something in his dip. What's a
21 dip?

22 A. A dip is just, you know, a front area of your
23 pants.

24 Q. Okay. What's CDS?

25 A. CDS is controlled dangerous substance. It can

1 be drugs. It can be other things.

2 Q. What are Miranda Rights?

3 A. Miranda Rights are just your right to remain
4 silent. You know, just ask for a lawyer to be present.

5 Q. Okay. And have you had detainees exercise
6 those rights?

7 A. Absolutely. I have detainees not talk to me
8 all the time. They -- I mean, there's a culture here in
9 Baltimore called no snitching. You know, people don't
10 say anything to police all the time.

11 Q. So when Mr. Gray ceases to answer -- he didn't
12 say much; is that fair -- did you testify to that
13 already?

14 A. Yes. He didn't say much.

15 Q. So he's not saying much. What are you
16 thinking?

17 A. I didn't think anything about it. I mean, it
18 happens quite often. Whenever someone's arrested, they
19 don't want to talk to police.

20 Q. Did you have any belief that he was under
21 any -- that he was injured beyond tired?

22 A. No, sir.

23 Q. Now, you were here when Detective Teel
24 testified; is that correct?

25 A. Yes, I was present.

1 Q. And she said, did she not, that at Stop 4, you
2 reported Mr. Gray said he couldn't breathe.

3 A. She wrote at Druid Hill and Baker that that's
4 what I said.

5 Q. Do Druid Hill and Baker ever intersect?

6 A. They do not.

7 Q. So at Stop 4, did Mr. Gray discuss anything
8 about his ability to breathe?

9 A. No, he did not.

10 Q. Did you hear him express that he couldn't
11 breathe?

12 A. No. He was able to have -- to speak words. He
13 had a regular tone of voice when he was talking to me.

14 Q. At any point on April 12th, did you hear him say
15 he couldn't breathe?

16 A. Yes.

17 Q. Where was that?

18 A. At the first stop he said he needed an asthma
19 inhaler.

20 Q. And what did you tell Detective Teel?

21 A. That's what I told her from the first stop.

22 Like I said earlier, when she called, I assumed
23 that she already the information that I had been at the
24 majority of the stops. So once she had told me to tell
25 me -- when she said tell me what happened, I started from

1 the beginning.

2 Q. And describe that conversation.

3 A. I -- I can't really remember what that
4 conversation was.

5 Q. So you know it started at Stop 1.

6 A. She just called and said in reference to April
7 12th, you know, what was my involvement. I explained to
8 her I was -- I was there. And she said tell me what
9 happened.

10 Q. Okay. And let's talk a little bit about Mr.
11 Gray said he needed a medic; right?

12 A. I offered it to him, and he said, yes. He
13 accepted.

14 Q. So after he said that, what did you do?

15 A. After then, then I -- I get out of the wagon.
16 And I'm talking with Officer Goodson, and I said that
17 guy's asking to go to the hospital.

18 So there's no way he's going to pass medical
19 down at Central Booking because the more he says he wants
20 to go to the hospital, they're going to reject him.

21 Q. Well, let's talk about that for a minute. Have
22 you transported prisoners to Central Booking?

23 A. I have, yes.

24 Q. And what's the process?

25 A. Like you hand them the toe tag, the prisoner

1 goes in, then there's a -- there's a nurse on the inside.
2 She asks them various questions, and maybe take his blood
3 pressure. If their answers to the questions are correct,
4 then he's able to serve or be accepted into Central
5 Booking. If not, then he is medically rejected.

6 Q. Okay. And if someone is medically rejected,
7 what do you have to do?

8 A. We have to take them to the hospital, and they
9 have to get a medical clearance from a doctor.

10 Q. Can a medic provide a medical clearance?

11 A. They cannot, no. It needs to be a doctor.

12 Q. So let's say you arrest me, and I say my elbow
13 hurts, but I look fine, maybe I'm even waving my hands.
14 In your experience, is Central Booking going to take you?

15 A. If you say those same things that you just said
16 to me right now, and you say that to the nurse, no, they
17 will not accept you.

18 Q. So if I say my elbow hurts, but I look fine,
19 what would you do?

20 A. Just transport you to the hospital.

21 Q. And why would you do that, sir?

22 A. Just -- we don't have enough officers out on
23 the street as it is, just efficiency. We need to be
24 efficient. So it would be a waste of time to have you go
25 down to Central Booking and get rejected. And have

1 another wagon have to go down and pick you up, and then
2 take you to a hospital.

3 Q. Have there been occasions when you've called
4 for a medic to the scene?

5 A. Yes.

6 Q. Why would you do that?

7 A. Just -- they -- they gave me a complaint of an
8 injury.

9 Q. So in your mind, what's the difference between
10 calling a medic and taking someone straight to the
11 hospital?

12 A. A medic is like when you call for an ambulance
13 or if you have a medical emergency, and it needs to be
14 taken care of right then and -- like someone has been
15 shot, someone has been stabbed, there's -- things of that
16 sort.

17 Q. Okay. And a sore elbow, what do you do in that
18 situation?

19 A. A sore elbow, I could transport you to the -- I
20 could just transport you to the hospital via wagon.

21 Q. Okay. When Mr. Gray is in the back of the
22 wagon -- you with me?

23 A. I'm with you, yes.

24 Q. -- who is primarily responsible for him?

25 A. It is -- primary -- it is the wagon driver's

1 job to get the prisoner or detainee from Point A to Point
2 B, or whomever is transporting that -- that detainee.

3 Q. So at Druid Hill and Dolphin, who's primarily
4 responsible for Mr. Gray's safety?

5 A. Officer Goodson never transferred custody to
6 me. He is still under the custody of Officer Goodson.

7 Q. So Mr. Gray says he needs a medic; right?

8 A. He -- he says yes to my question, which is do
9 you need a medic, do you need to go to the hospital. He
10 says yes. So --

11 Q. What do you say to Officer Goodson after he
12 answers that question?

13 A. I suggest to Officer Goodson to take him to Bon
14 Secours or to a hospital.

15 Q. Can you order Officer Goodson to do anything?

16 A. I cannot order Officer Goodson to do anything,
17 no.

18 Q. Why not?

19 A. He is my equal.

20 Q. How many years experience does he have?

21 A. I believe he has 17.

22 Q. And in April of this year, how many years of
23 experience did you have?

24 A. Three years. I'm sorry, I had two years. Two
25 years and a half --

1 Q. Okay.

2 A. -- as of April.

3 Q. So as you're having this conversation with
4 Officer Goodson, put in your own words what you suggested
5 to Officer Goodson.

6 A. My -- just tell him that --

7 MR. SCHATZOW: Objection, Your Honor.

8 THE COURT: Sustained.

9 BY MR. PROCTOR:

10 Q. What did you tell Officer Goodson?

11 MR. SCHATZOW: Same objection, Your Honor.

12 THE COURT: Sustained. Asked and answered.

13 Next question.

14 MR. PROCTOR: Okay.

15 BY MR. PROCTOR:

16 Q. So after having this conversation with Officer
17 Goodson, does anything come across the radio?

18 A. Lieutenant Rice asked for a 10-16 up at -- he
19 may have said North and Carey. In that general area of
20 Pennsylvania and North, North and Carey, he asked for a
21 10-16.

22 Q. And what's a 10-16?

23 A. A 10-16 is urgent backup.

24 Q. Okay. And Lieutenant Rice, is he your boss?

25 A. He -- he is my superior, yes.

1 Q. So when he says 10-16, what's your obligation
2 as a police officer?

3 A. I need to respond to that 10-16.

4 Q. So once you hear "urgent backup," what do you
5 do, sir?

6 A. I then, you know, walk briskly back to my
7 vehicle, which is across the intersection. I get in, and
8 I radio that I'm going to head up to that scene.

9 Q. Okay. And as you walk to your vehicle, where's
10 your back in relation to the back of the wagon?

11 A. My back is to the back of the wagon.

12 Q. So as you're walking to your vehicle, can you
13 see the wagon?

14 A. I can not see behind me, no.

15 Q. When you get in your vehicle, do you look back
16 at the wagon at that point?

17 A. When I sit down in the vehicle, the -- the
18 wagon is right in front of me, yes.

19 Q. And what's going on?

20 A. I believe Officer Goodson may be closing the
21 door or -- or he's getting into the wagon. I can't
22 recall at this moment.

23 Q. After you walked away to get back to your
24 vehicle, do you ever see inside the vehicle again -- the
25 wagon again?

1 A. Up at North Avenue is when I seen the wagon
2 again.

3 Q. We'll get there in a second.

4 But at Druid Hill and Dolphin, do you ever see
5 inside the wagon again?

6 A. No.

7 Q. Do you know that Mr. Gray was seat belted at
8 Druid Hill and Dolphin?

9 A. I'd be -- I'd make assumptions if I said yes or
10 no.

11 Q. So once you get into your car, where do you go?

12 A. I respond back up to North Avenue and Carey or
13 Pennsylvania.

14 Q. Tell the jury about that.

15 A. When I respond up there, there's -- I see Donta
16 Allan. There's Nero, Miller and Lieutenant Rice. I can
17 see them pulling bags of marijuana out of Donta Allan's
18 pockets, and he's cuffed.

19 Q. And what do you do?

20 A. Just shortly after the wagon shows up, I then
21 go back and just -- just to confirm with Mr. Gray, do you
22 still want to go to the hospital, and he says yes.

23 Q. Why do you ask him that?

24 A. Just because sometimes, if it takes long
25 enough, people will say they don't want to go to the

1 hospital anymore. They'd rather just go to Central
2 Booking and get it over with.

3 Q. Could you explain that?

4 A. That -- just -- that's -- that's it. Whenever
5 -- sometimes people feign injury just to go to the
6 hospital, but then you realize it's going to take way too
7 long. Sometimes at the hospital they reject any kind of
8 treatment, and just say it's taking way too long, and I'd
9 rather go to Central Booking.

10 Q. So why did you ask Mr. Gray if he still wanted
11 to go to the hospital on North Avenue?

12 A. Just to see if he would, you know, if he had --
13 if he had changed his mind. That's all.

14 Q. And again, maybe I could -- well, Mr. Murtha --
15 MR. PROCTOR: Mr. Murtha, can I borrow you for
16 a second?

17 Would you come off the stand, please?

18 BY MR. PROCTOR:

19 Q. When you got (inaudible at 12:16:32 p.m.), sir,
20 what position is Mr. Gray in?

21 A. Well, his hands are behind his back. He's
22 kneeling on this --

23 THE COURT: Keep your voice up.

24 THE WITNESS: I'm sorry.

25 His hands are behind his back. He's kneeling

1 on his feet. And very close to the wagon, kind of like
2 in this position.

3 BY MR. PROCTOR:

4 Q. Bench?

5 A. I'm sorry. The bench, yeah, just kind of in
6 this position.

7 Q. Now, where is the wall of the wagon?

8 A. The wall would have been where this -- this --
9 the back of the chair is.

10 Q. Is Mr. Gray's head touching the wall?

11 A. No.

12 Q. Is his shoulder touching the wall?

13 A. No, it's isn't.

14 Q. Thank you. You can go back to the stand.

15 Is his head facing towards the doors or towards
16 the cabin?

17 A. Towards the cabin is where his head is hitting.

18 Q. So how much of his face can you see?

19 A. Not much. Just about the side, whenever I
20 walked the side. When I'm standing on the side, I can
21 see just the side of his face.

22 Q. And the totality of your conversation with Mr.
23 Gray, what was that?

24 A. Just, hey -- I said, Freddie Gray -- hey,
25 Freddie, you just want to go back -- hey, Freddie, still

1 want to go to the hospital? And he says yes.

2 Q. And then what do you do?

3 A. Then Sergeant White was on the scene. I then
4 go to her, and let her know that Freddie Gray still says
5 he wants to go to the hospital. And that one of the
6 arresting officers should go with him to the hospital, do
7 the hospital detail.

8 Q. Okay. And totality of your -- did you ever get
9 in the wagon at North Avenue?

10 A. No, I do not.

11 Q. The totality of your conversation with Mr.
12 Gray, how long does that last?

13 A. Seconds.

14 Q. So after your conversation with Sergeant White,
15 what do you do?

16 A. From there, I believe she goes and may check on
17 Freddie Gray.

18 I -- there I'm just talking to Nero and Miller,
19 again, let them know that Freddie Gray says he wants to
20 go to the hospital and that --

21 Q. And let's talk about that for a minute, sir.
22 If you arrest me, and I say I don't feel well, whose job
23 is it to take me to the hospital?

24 A. A wagon would transport you to the hospital.

25 And --

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Q. A wagon --

THE COURT: Well, let him answer the question.

MR. PROCTOR: I'm sorry, Judge.

THE COURT: Don't interrupt him.

BY MR. PROCTOR:

Q. Continue.

A. A wagon would transport you to the hospital.

And when you get to the hospital, that wagon driver will

wait until the arresting officer gets to the hospital.

And then he would pass custody to you, and you would take

that detainee into the hospital.

Q. So what I think I'm hearing you say is you, as
the arresting officer --

THE COURT: Sustained.

Ask a question. I don't need you to restate
whatever he said. Just ask him a direct question.

BY MR. PROCTOR:

Q. So at the hospital, that person is in the
arresting officer's custody?

A. It --

THE COURT: Sustained.

Ask a question.

BY MR. PROCTOR:

Q. Whose custody is the arrestee in at the
hospital?

1 A. He's returned back to the arresting officer's
2 custody.

3 Q. Now, had you been at the hospital with
4 arrestees?

5 A. I have, yes.

6 Q. What's the range of how long you can be there?

7 A. According to General Order, it says two hours.
8 But I've been there for the entirety of their stay, which
9 can be an hour to 10 hours.

10 Q. Do police officers -- do you call it the
11 hospital detail?

12 A. It's called the hospital detail, yes.

13 Q. Do police officers like that detail?

14 A. It's not the most fun, no.

15 Q. Why not?

16 A. The radio doesn't work in the hospital.
17 Cellular devices don't work in the hospital. You just
18 have to stand by while somebody gets medical treatment.
19 Hospitals tend to go really slow, so it's a really long,
20 monotonous day.

21 Q. So when you're talking to the bike cops; right?

22 A. Yes. The bike cops.

23 Q. What are you saying to them?

24 A. I'm just telling them that -- or I'm suggesting
25 that one of them do the hospital detail because they

1 arrested Freddie Gray.

2 Q. After this conversation, what happens next?

3 A. You know, I say again to -- or Sergeant White
4 comes over, and she says I have to do the hospital detail
5 because she can't split up the bike officers. There
6 needs to be two of them. So that if you are attempting
7 to detain someone, you have to -- someone has to watch
8 the bikes so the bikes don't disappear.

9 Q. Are bicycles getting stolen in the Western a
10 common thing?

11 A. Yes.

12 Q. So after your conversation with Sergeant White,
13 what do you do?

14 A. She tells me I need to follow the wagon -- or I
15 need to follow the wagon to the station. And from the
16 station, we'll go to the Bon Secours.

17 Q. So after that conversation, where do you go
18 next?

19 A. I go to Western District.

20 Q. Okay. And when you leave North Avenue, is the
21 wagon still there?

22 A. No. It had already left before I had gone.

23 Q. Could you estimate how many minutes after the
24 wagon you left?

25 A. Not -- it's a very short time, two to five

1 minutes or so.

2 Q. How long was the drive to the Western from
3 North Avenue take?

4 A. Four minutes.

5 Q. And let me show you what I'd like to mark as
6 Defendant's Exhibit 12 --

7 THE CLERK: Eleven.

8 MR. PROCTOR: Eleven.

9 Let me show it to Mr. Schatzow first.

10 (Defendant's Exhibit Number 11
11 was marked for identification.)

12 BY MR. PROCTOR:

13 Q. And ask you if you recognize that, sir.

14 A. Yes, that's the Western District.

15 Q. Okay. And does it fairly and accurately depict
16 it?

17 A. Yes.

18 MR. PROCTOR: Move Exhibit 11 into evidence.

19 THE COURT: Any objection?

20 MR. SCHATZOW: No, Your Honor.

21 THE COURT: So entered.

22 (Defendant's Exhibit Number 11
23 was received in evidence.)

24 BY MR. PROCTOR:

25 Q. Can you see on this picture where you parked

1 your vehicle?

2 A. Yes. I actually parked my vehicle where that
3 police car --

4 Q. Come down off the stand for just one second,
5 sir.

6 And if you could, let's scoot over this way,
7 can you see -- point on Defendant's Exhibit 11 where you
8 parked your vehicle, if you see it.

9 A. My vehicle would have been where this police
10 car is.

11 Q. Keep your voice up.

12 A. My vehicle would have been where this police
13 vehicle is, just along the parking lot.

14 Q. So on the right side of the picture, next to
15 the "No Entry" sign?

16 A. Yes.

17 Q. Can you see on this picture where the wagon
18 was?

19 A. No. The wagons would be in between this side
20 and this side. And it would go in between that building.

21 Q. Okay. Can you return to the stand, please?

22 When you get to the wagon, sir, what do you do?

23 A. From the wagon, I believe I just -- they may be
24 pulling Donta Allan out of one side, and I'm opening up
25 the other.

1 Q. Okay. So how far is it from where you parked
2 to where the wagon is, ballpark?

3 A. 50 feet.

4 Q. So you walk over these 50 feet, and the second
5 arrestee is already getting out?

6 A. I believe he's getting out. I'm -- I'm not
7 certain on that.

8 Q. Okay. And you're opening up the other side?

9 A. Yes.

10 Q. Why are you doing that?

11 A. Just to -- I want to put Freddie Gray into --
12 I'm sorry, Mr. Gray into the holding cell until we were
13 ready to go to Bon Secours.

14 Q. Why not just leave him in the wagon?

15 A. Someone's got to have, you know, custody of
16 that prisoner. You can't just leave them in the wagon.

17 Q. Okay. So when you open the door to -- what
18 side of the wagon, if you remember, was it?

19 A. He's on -- he's on the right side.

20 Q. When you open the door, is -- there are two
21 sets of doors in the wagon; right?

22 A. Yes. There's an exterior, and there's an
23 interior door.

24 Q. When you get to the Western, are both sides of
25 the right closed?

1 A. No. No, no, no. The -- the -- the -- both
2 exterior doors are open.

3 Q. Okay. So when you -- do you open the interior
4 door?

5 A. I believe I opened up the interior door.

6 Q. What do you see?

7 A. I see Mr. -- Mr. Gray there. I'm calling -- I
8 call his name. He doesn't answer me.

9 MR. PROCTOR: And for the third and final time,
10 could I borrow Mr. Murtha to show what position Mr. Gray
11 was in?

12 BY MR. PROCTOR:

13 Q. Could you put Mr. Murtha -- if I'm standing at
14 the rear of the wagon, and the jury is the cabin, could
15 you put Mr. Murtha in position?

16 A. His hands would have been behind his back. He
17 --

18 Q. Keep your voice up, please.

19 A. I'm sorry.

20 His hands would have been down. And from my
21 recollection, it would be a more exaggerated -- it would
22 be way more exaggerated than he was up at North Avenue.

23 Q. So at this point, is his shoulder against the
24 side?

25 A. I can't -- I can't remember that.

1 Q. Is his head against the side?

2 A. Is -- his head wasn't in the same position it
3 was at North Avenue.

4 Q. Okay.

5 MR. PROCTOR: Thank you, Mr. Murtha.

6 BY MR. PROCTOR:

7 Q. Go back to the stand, please.

8 So when you opened the door, and you see Mr.
9 Gray in that position, is there anyone else around?

10 A. I think Nero is -- I'm sorry, Novack is coming
11 out.

12 Q. Now, I don't know if we've talked about him.
13 Who is Novak?

14 A. Novak is just another officer in the Western.

15 Q. Okay. And you say he's coming out. Where is
16 he coming out from?

17 A. It would have been the holding cells. The
18 processing -- where we process people.

19 Q. Okay. And when you see Mr. Gray in the
20 position you just described, what do you do?

21 A. I called out to him. And at this time, he
22 doesn't -- typically, he would answer me. But he didn't
23 answer me this time. And I call him, and he doesn't
24 answer.

25 So now I climb in, and I pull him back, and

1 there's -- there's a mucus on his mouth.

2 Q. Let's talk about that for a second. At Stop 4,
3 was there any mucus in his mouth?

4 A. At Druid Hill and Dolphin? No.

5 Q. Yes.

6 A. No. No mucus on his mouth, no.

7 Q. Did you see any blood, any bumps, any bruises,
8 anything?

9 A. No. I didn't see any of that, no.

10 Q. At Stop 5, did you see anything?

11 A. His head was facing away from me, but no, I
12 didn't.

13 Q. Okay. But at the Western, you saw this mucus?

14 A. Yeah. There was some kind of -- there was
15 clear mucus around nose and mouth.

16 Q. So when you saw that, what did you do?

17 A. I think on my testimony I said, oh shit, and I
18 tried to pull Freddie Gray out. And now he's just
19 leaning on me. And we're standing at the -- he's not all
20 the way out, he's just -- his upper half is outside of
21 the wagon and I'm holding him. Trying to hold his back
22 straight, trying to clear his airway.

23 Novak tries to do a sternum rub. We don't get
24 any response.

25 Q. Let's talk about that for a second. Let me

1 stop there. What's a sternum rub?

2 A. A sternum rub is just something I've seen EMTs
3 do whenever we have a non-responsive person. They do a
4 sternum rub. If they're, like, in an overdose or
5 sleeping or something like that, they'll get an immediate
6 reaction.

7 Q. Okay. So what I've seen you do is with your
8 knuckles rubbing straight across the chest.

9 A. Yep.

10 Q. And so your testimony is Officer Novak did one
11 of those?

12 A. Yes. He did a sternum rub, yes.

13 Q. And did Mr. Gray react?

14 A. No. He did not react, no.

15 Q. So based on that, what happened next?

16 A. From there, I believe Novak then radioed for a
17 medic to respond to the District.

18 After that he began to hold Mr. Gray's head.

19 Q. Okay. So you're standing behind him?

20 A. I'm standing behind him, trying to hold his
21 back straight so he can have a clear airway.

22 Q. And what's Officer Novak doing, if you know?

23 A. Officer Novak is just on the side of me, and
24 he's holding his head trying to support his head.

25 Q. Who taught you to do it that way?

1 A. That was -- that was something that we learned
2 at the academy from our LEMAT (phonetic) class.

3 Q. Okay. Tell the jury what did you learn at the
4 academy in regard to how to hold a non-responsive person.

5 A. I believe they called it the lifesaving
6 position. You would hold the victim's back straight, and
7 try to hold his head straight, so he can have a clear
8 airway and be able to breathe.

9 Q. So after Officer Novak calls for a medic, what
10 happens next?

11 A. We wait for the medic to show up.

12 Q. How long did the medic take?

13 A. It felt like an eternity. I don't know.

14 Q. And by the way, at -- let's go back to Stop 4
15 for a minute, okay?

16 A. Druid Hill and Dolphin?

17 Q. Yeah.

18 Ballpark -- you've called a medic many times?

19 A. Yes.

20 Q. Ballpark, how long do they take?

21 A. They -- it depends on -- all right. So when I
22 radio it goes to my dispatch. From my dispatch, it has
23 to go to fire dispatch. From fire dispatch, they have to
24 send it down to the ground units. They then respond.
25 And it -- it -- not all the time is it the closest

1 firehouse, it's who answers up. And so it can -- can
2 vary as to how long it takes.

3 Q. Okay. Have you had one take 15 minutes or
4 more?

5 A. Oh, absolutely.

6 Q. And from Druid Hill to Dolphin on a Sunday
7 morning, how long would it take Officer Goodson --

8 A. Sunday morning, no traffic --

9 MR. SCHATZOW: Excuse me, Your Honor.

10 THE COURT: Sustained.

11 BY MR. PROCTOR:

12 Q. To get -- what -- to Druid Hill and Dolphin,
13 what's the nearest hospital?

14 A. I'm -- I'm not familiar with that part of the
15 City. I couldn't tell you. I don't know.

16 Q. Okay. Bon Secours. How far to get to --

17 A. To get to Bon Secours, it would probably take
18 them around 10 minutes.

19 Q. I'm sorry. I lost my train of thought.

20 So you -- where we left off is you said it felt
21 like the medic took an eternity; right?

22 A. That's what it felt like, yes.

23 Q. When the medic arrives, what happens next?

24 A. She -- she then places her hand on his chest.

25 She says she can't -- she can't -- he's not breathing,

1 something like that.

2 Q. Did you see the medic testify here today?

3 A. I did -- well, yesterday. Yes.

4 Q. And when she came and walked past the wagon,
5 did you see her?

6 A. No. I didn't see her, no.

7 Q. Where are your eyes while awaiting for the
8 medic to arrive?

9 A. I was looking down at Freddie Gray.

10 Q. So when she locates the prisoner, what happens?

11 A. She puts her hand on his chest, and says he's
12 not breathing. And then we then pull him out of the
13 wagon, the entire -- the whole way. And they put -- put
14 the collar on, put him on a backboard, and they put the
15 respirator in his mouth, started to give him air. And
16 then put him into the ambulance.

17 Q. And where do you go?

18 A. I'm standing by because I was instructed to do
19 the hospital detail. So I have to stand by with Freddie
20 Gray.

21 Q. So when he goes to the hospital, where do you
22 go?

23 A. I followed behind Medic 43 to Shock Trauma.

24 Q. And how long do you stay at Shock Trauma?

25 A. It had been a while. Ballpark, six or seven

1 o'clock. And then I had to go and submit Mr. Gray's
2 goods.

3 Q. And where did you submit his clothes and
4 property?

5 A. I submitted his property at ECU.

6 Q. You have seen, have you not, the statement of
7 Officer Novak?

8 A. I have not, no.

9 Q. Are you aware that Officer Novak recalls Mr.
10 Gray being in a different position?

11 A. I did.

12 MR. SCHATZOW: Objection, Your Honor.

13 THE COURT: Sustained. Strike the question.

14 BY MR. PROCTOR:

15 Q. Are you certain that Mr. Gray was in the
16 position that you just described at the Western?

17 A. I can't be a hundred percent certain. It was a
18 very traumatic thing for me also, just being the officer
19 there, and knowing him in the neighborhood, seeing him
20 every day, and calling his name, and not getting a
21 response, then having to do the hospital detail, and
22 seeing everything they had done to him. I can't be
23 certain.

24 Q. The first phone call you had from Detective
25 Teel on April 15th, did you answer her questions?

1 A. Yes. I answered some questions.

2 Q. Did you arrange to meet with her to come in?

3 A. She arranged with me to come in, yes.

4 Q. Did there come a time when you changed the time
5 of that meeting?

6 A. She changed the time.

7 Q. Did you agree?

8 A. I agreed, yes.

9 MR. PROCTOR: Can I have a second please,
10 Judge?

11 (Brief pause.)

12 MR. PROCTOR: Can we approach, please?

13 (Counsel approached the bench, and the
14 following ensued:)

15 MR. PROCTOR: I think I'm just about done. But
16 rather than make the jury wait while I look through my 42
17 pages of notes, can we just break for lunch? And after
18 lunch, I might have a couple of questions?

19 THE COURT: (Inaudible at 12:35:08 p.m.)

20 MR. SCHATZOW: Yes, Your Honor.

21 THE COURT: (Inaudible at 12:35:15 p.m.)

22 MR. PROCTOR: It's 12:35.

23 THE COURT: We will break.

24 MS. BLEDSOE: We can do that, yes.

25 MR. PROCTOR: Thank you.

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THE COURT: (Inaudible at 12:35:19 p.m.)

MR. PROCTOR: Thank you.

(Counsel returned to the trial table, and the following ensued:)

THE COURT: Ladies and gentlemen, we're going to take our lunch break.

Please do not discuss your testimony even among yourselves.

Please leave your notepads on the chair.

Court will resume at 1:45.

All rise for the jury.

(Whereupon, the jury was excused from the courtroom at 12:36 p.m.)

THE COURT: Thank you. Everyone may be seated.

Again, we'll resume at 1:45.

MR. PROCTOR: Thank you, sir.

(Whereupon, a luncheon recess was taken at 12:36 p.m.)

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A F T E R N O O N S E S S I O N

(Excerpt resumed at 1:59:27 p.m. with the testimony of William Porter.)

THE COURT: You may remind the witness.

THE CLERK: Just reminding you you're still under oath.

State your name for the record.

THE WITNESS: William Porter.

THE COURT: You may proceed, Counsel.

MR. PROCTOR: Thank you.

DIRECT EXAMINATION (Resumed)

Q. Officer Porter, just a few questions.

I forgot to ask you earlier, at Stop 4, when you helped Mr. Gray onto the bench, you remember that?

A. I do remember that.

Q. Why didn't you seat belt him?

A. Well, in the academy and then through my experience and training as an officer, even the most docile detainee presents a risk. Any time I am in an altercation with any kind of detainee, there's a gun involved, so there's always an ever present officer safety issue.

Q. Okay. And it's -- are you sorry Freddie Gray's dead?

A. Absolutely. Freddie Gray and I weren't

1 friends, but we had a mutual respect for each other, and
2 we built a rapport, you know. He -- I had a job, and he
3 understood that. And he did things, and I understood
4 that. And --

5 MR. SCHATZOW: Objection, Your Honor, to what
6 Mr. Gray understood.

7 THE COURT: Sustained to anything Mr. Gray
8 understood.

9 THE WITNESS: I had a job --

10 THE COURT: No, no. Question.

11 BY MR. PROCTOR:

12 Q. Explain your relationship with him.

13 A. I had a job to do, and he did things. And
14 we -- I built a rapport. And we weren't friends, but we
15 definitely had respect -- or I had respect for Mr. Gray.

16 And absolutely am sorry to see -- any kind of
17 loss of life, I'm sorry to see that.

18 Q. Do you like being a police officer?

19 A. Absolutely.

20 Q. Would you do anything to jeopardize that?

21 A. Never.

22 MR. PROCTOR: That's all I have, Judge.

23 THE COURT: You may cross.

24 CROSS-EXAMINATION

25 BY MR. SCHATZOW:

1 Q. Did you just say that you didn't seatbelt Mr.
2 Gray because even though he was docile, he was still a
3 risk?

4 A. I didn't say Mr. Gray specifically, but
5 prisoners -- I mean, there's a reason why the -- the
6 deputies walk with two people or the prisoner through the
7 courthouse, and he's shackled and restrained. They --
8 there's an ever present risk.

9 Q. Excuse me. Mr. Goodson, did you understand --

10 A. My name is Porter.

11 Q. Excuse me. Mr. Porter, did you understand my
12 question to be about the sheriffs in the courthouse?

13 A. Just giving --

14 MR. PROCTOR: Objection.

15 THE COURT: Overruled.

16 THE WITNESS: Giving you just -- using my
17 training and experience.

18 BY MR. SCHATZOW:

19 Q. But the question that your lawyer asked you was
20 at Stop 4, why didn't you seatbelt Mr. Gray. And didn't
21 you say that even though he was docile, you were still
22 concerned about some risk?

23 A. Yes, I did.

24 Q. Now, the vans, the police transport wagons, are
25 equipped with seatbelts; aren't they?

1 A. They are.

2 Q. And you have said that Mr. Gray was docile, and
3 you previously said he was not combative, and that he was
4 calm at Stop 4; correct?

5 A. That is correct.

6 Q. If you weren't going to seatbelt Mr. Gray at
7 Stop 4, I guess that means you would never seatbelt
8 anyone?

9 A. I'm not typically a wagon driver. I -- the
10 primary responsibility for the wagon driver is to make
11 sure the safety of a detainee from Point A to Point B.

12 Q. Again, Officer Porter, I'm talking about you.
13 My question is about you. You testified that you didn't
14 seatbelt him even though he was docile because you were
15 concerned of a risk.

16 And my question to you is does that mean that
17 you would never seatbelt anyone in a wagon?

18 A. No. That isn't -- that isn't -- that's not
19 what that means, no.

20 Q. But you never have?

21 A. I haven't before. I'm not typically a wagon
22 driver.

23 Q. But --

24 A. But, no, I haven't before, no.

25 Q. So you haven't. Okay.

1 And you didn't -- Officer Goodson was standing
2 outside the wagon; correct?

3 A. He was behind the wagon, yes.

4 Q. You didn't hand him your gun when you first
5 went into the wagon; did you?

6 A. That's ridiculous. I would never hand anyone
7 my gun.

8 Q. A fellow officer. If you were concerned about
9 somebody taking your gun, you wouldn't hand it to a
10 fellow officer; is that you're saying -- what you're
11 saying?

12 A. I wouldn't hand my gun to anyone is what I'm
13 saying.

14 Q. Okay. All right. That's fine.

15 Now, you said you worked at a computer company.
16 What did you do for a computer company?

17 A. I -- there I built computers, and I reimaged
18 them. That's what -- reimaged.

19 Q. Okay. And on April 12th -- well, let's take
20 the period between April 9th of 2015 and April 12th of
21 2015, did you have a home computer?

22 A. I do have a home computer, yes.

23 Q. Did you have one then?

24 A. Yes, I did then. Yes.

25 Q. Okay. Did you have a cell phone?

1 A. I -- I had a cell phone, yes.

2 Q. Okay. Now, you don't like hospital details;
3 right? They're long and boring.

4 A. No, I don't like hospital details. No.

5 Q. But when you testified you said that the
6 General Order provides that when you're on a hospital
7 detail, you only have to be there for two hours; is that
8 correct?

9 A. There's something in it about that. It also
10 says -- states that there need to be two officers, and
11 some other things.

12 Q. Right. And so let's take a look at Exhibit 11,
13 in evidence, which is 11-14 on page 8, "One of the
14 directives is do not guard detainees for more than two
15 consecutive hours. When the hospital detail nears or
16 exceeds two hours, notify your supervisor and request a
17 replacement member"; is that correct?

18 A. That is correct.

19 Q. Okay. So you're familiar with what 11-14
20 provides.

21 A. No, sir. I'm not familiar. That was probably
22 adopted from the previous General Order.

23 Q. Here's Exhibit 8, take as much time as you
24 want, tell me where the two hour limitation is in there.

25 A. I don't know. I can't find it in here.

1 Q. It's not in there; is it?

2 A. It isn't, no.

3 Q. Now, you deny that you told Detective Teel that

4 Mr. Gray, at the fourth stop, said I can't breathe.

5 A. Yes, that is true.

6 Q. If he had said I can't breathe, and you heard

7 him say I can't breathe, would you agree that that would

8 be a reason to get medical attention?

9 A. I do agree, yes.

10 Q. You know Detective Teel from when she was at

11 the Western District; correct?

12 A. I do, yes.

13 Q. When she saw you at Shock Trauma on April 12th,

14 2015, she gave you a hug; didn't she?

15 A. Perhaps. I'm not certain.

16 Q. And when she saw you, when you came down to

17 Police Headquarters to give the statement that was video

18 and audio recorded, she gave you a hug then, too; didn't

19 she, before the statement?

20 A. I can't say if she did.

21 Q. You heard her testify she did.

22 A. I heard her testify, yes.

23 Q. You don't deny that she did?

24 A. I'm sorry?

25 Q. You don't deny that she did?

1 A. That she did what?

2 Q. Gave you a hug.

3 A. I can't confirm nor deny.

4 Q. She -- you guys were friendly; weren't you?

5 A. I'm friendly with my fellow officer, yes, I am.

6 Q. Well, with Officer Teel.

7 A. With the general public, I tend to be friendly

8 with the general public.

9 Q. When Officer Teel called you, on or about April

10 15th, she called you specifically to talk to you about

11 Druid Hill and Dolphin Street, what we've been calling

12 Stop 4; didn't she?

13 A. That's not true. She asked me about the

14 incident.

15 Q. She called you because she had seen the KGA

16 that said 43 was responding to Officer Goodson's request

17 for assistance to check out the prisoner; isn't that

18 right?

19 A. I can't confirm it nor deny it. I don't know

20 that answer. I don't know why she called me. She could

21 -- she could tell you that.

22 MR. SCHATZOW: Could I have Exhibit 31-D,

23 please?

24 BY MR. SCHATZOW:

25 Q. You heard her testify about her reason.

1 A. I heard her testify. But, you know --

2 Q. Okay. Didn't you confirm to her that you were
3 the unit that responded to the call for assistance that
4 came from Unit 7B91?

5 A. I'm sorry. Repeat the question.

6 Q. Didn't you confirm to her that you were the
7 unit on April 12th who responded to the call to assist
8 Unit 7B91?

9 A. That is true, yes.

10 Q. And 7B91 was Goodson as the van driver;
11 correct, Officer Goodson?

12 A. Officer Goodson was the wagon operator that
13 day, yes.

14 Q. And 7B91 is an identification number; correct?

15 A. That is true, yes.

16 Q. And you told her that when you arrived, Officer
17 Goodson got out and responded to the rear of the wagon;
18 correct?

19 A. I -- that's one of the things I told her, yes.

20 Q. Okay. And responded to the rear of the wagon
21 for people who aren't police officers, simply means he
22 got out and walked to the back of the wagon; is that
23 right?

24 A. That is true.

25 Q. Okay. And you told her that as the doors

1 opened, you observed Mr. Gray lying on his stomach, head
2 facing the front of wagon, with his feet towards the
3 doors, saying help; is that what you told her?

4 A. I did tell her that, yes.

5 Q. And then you further advised that you asked Mr.
6 Gray what he needed, at which time he said he couldn't
7 breathe.

8 A. No. That's not true, no.

9 Q. She got that wrong?

10 A. She got that wrong, yes. She --

11 Q. And, Officer Porter, you -- you then told her
12 that you asked Mr. Gray if he needed a medic, and Mr.
13 Gray said -- stated yeah.

14 A. This is -- that's like -- a condensed version
15 of our conversation. It doesn't go in chronological
16 order, but it's a condensed version of what we spoke on
17 the phone.

18 Q. Thank you, Officer. If you could please just
19 listen to my question.

20 Did you tell her that you then asked Mr. Gray
21 again -- excuse me. That you asked Mr. Gray if he needed
22 a medic, and Mr. Gray stated yeah?

23 A. That's a part of this conversation, yes.

24 Q. And that you then asked -- you then asked Mr.
25 Gray again if he needed a medic, and you asked Mr. Gray

1 to get up; is that what you told her?

2 A. I -- I don't believe I told her that, no. It
3 wasn't phrased that way.

4 Q. How was it phrased?

5 A. I asked him -- like I testified to earlier,
6 what do you need, and when he asked me -- he said can you
7 help me up. I helped him up. And afterwards, I asked
8 him how are we getting to the hospital today? Do we need
9 -- do you need a medic or do you need a hospital? He
10 responded yes.

11 Q. So he stated I can't get up; didn't he?

12 A. No. He said can you help me up, is what he
13 said.

14 Q. Uh-huh. I see.

15 And --

16 MR. MURTHA: Objection.

17 THE COURT: Sustained.

18 MR. SCHATZOW: Oh, to the comment? I'm sorry,
19 Your Honor.

20 THE COURT: Yes. Please let's not have any
21 comments. Just ask questions from both sides.

22 MR. SCHATZOW: I apologize, Your Honor.

23 THE COURT: Apology accepted.

24 BY MR. SCHATZOW:

25 Q. So let me -- excuse me.

1 MR. SCHATZOW: Strike that, Your Honor.
2 BY MR. SCHATZOW:
3 Q. Both at Stop 4 and at Stop 5, Mr. Gray never
4 asked you for a medic; did he?
5 A. No, he did not. I -- I asked him if he wanted
6 --
7 Q. I'm sorry.
8 A. I'm sorry.
9 I asked him -- offered one to him.
10 Q. Right. And at Stop 4 and Stop 5, Mr. Gray
11 never asked you to take him to the hospital; correct?
12 A. No, he didn't. No.
13 Q. You are the one who introduced the term medic
14 to the conversation you were having with Mr. Gray;
15 correct?
16 A. That is true, yes.
17 Q. And you are the one who introduced the term
18 hospital to the conversation you were having with Mr.
19 Gray; correct?
20 A. That is true, yes.
21 Q. Okay. Now, what you've been telling us here
22 today is that you didn't tell Detective Teel that Mr.
23 Gray said I can't breathe at Stop 4, but that she got
24 confused because you told her you heard him saying I
25 can't breathe at Stop 1; isn't that right?

1 A. When she asked me to begin about my -- when she
2 said can you tell me what happened, I started from the
3 beginning.

4 Q. Well, when you sat for the video and recorded
5 interview on April 17th, 2005, Detective Teel and
6 Detective Anderson were there; correct?

7 A. That is true, yes.

8 Q. And you went down there voluntarily; correct?

9 A. I -- well, she asked me to come in.

10 Q. She asked you to come, but she didn't force you
11 to come in; did she?

12 A. No, she didn't. No.

13 Q. She didn't threaten you with anything if you
14 didn't come in?

15 A. She didn't, no.

16 Q. She didn't promise you anything if you would
17 come in?

18 A. No, sir.

19 Q. She asked you to come in?

20 A. Yes.

21 Q. And during that interview, she and Detective
22 Anderson asked you questions about all -- everything that
23 happened that day insofar as you and Mr. Gray were
24 concerned; is that right?

25 A. Yes, that's true. Yes.

1 Q. And you never told them that you heard Mr. Gray
2 say I can't breathe when you were at Stop 1; correct?

3 A. That's correct. I did not tell them that, no.

4 Q. You didn't tell that.

5 What you told them, at least three times, was
6 that all you could hear was yelling and screaming;
7 correct? Isn't that what you told them?

8 A. I'm not certain. Could you produce that for
9 me?

10 Q. Sure. We could. Let's start with page 6.
11 You want to listen to it?

12 A. No. I don't need to listen to it, no.

13 MR. SCHATZOW: Your Honor, this is the
14 transcript that we used simply as an aid to listening. I
15 can use that, or I can play it, Your Honor, whichever you
16 prefer.

17 THE COURT: It's your witness. He said he
18 didn't need to hear but, but that's -- you're crossing.

19 MR. SCHATZOW: Thank you.

20 THE COURT: Just identify it for the record.

21 MR. SCHATZOW: Yes, Your Honor.

22 This is a transcript of -- it's entitled "In
23 the Matter of Freddie Gray Investigation, William Porter,
24 April 17th, 2015." It's a transcript prepared of the
25 audio and video interview that took place that day.

1 THE COURT: Hasn't it already been marked?

2 MR. SCHATZOW: I don't think it was actually
3 marked, Your Honor.

4 MR. MURTHA: It was used as a demonstrative
5 exhibit.

6 MR. SCHATZOW: It was used as a demonstrative
7 exhibit for the jury during the playing of it.

8 THE COURT: All right. It will be marked as
9 State's 34-A for identification only.

10 (State's Exhibit Number 34-A
11 was marked for identification.)

12 MR. SCHATZOW: Thank you.

13 THE CLERK: You're welcome.

14 BY MR. SCHATZOW:

15 Q. Now, I'm directing your attention to Page 6,
16 and I'm specifically -- this is line 12. And it's
17 talking about the time that you testified that you were
18 on Westwood and Bruce, and you were looking for someone
19 else.

20 A. All right.

21 Q. And don't you say he was just yelling and
22 screaming?

23 A. That is on the paper, yes.

24 Q. Okay. Isn't that what you told them, or do you
25 want to hear it?

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MR. MURTHA: Objection.

THE COURT: Sustained.

BY MR. SCHATZOW:

Q. Are you questioning whether this is --

A. No. I'm not questioning it. That's -- that's on the -- yes.

Q. Okay. And then on -- on Page 12, lines 1 and 2, you said, "The entire time I could hear that there was someone one street over just yelling"; is that what you said?

A. You can yell, "I can't breathe." That's --

Q. Did you --

A. You can yell that. But --

Q. -- say --

A. No. I didn't elaborate, no. They didn't ask me to elaborate. But you can yell, "I can't breathe."

Q. One can yell, "I can't breathe." But did you ever tell anybody until you came to this court today that Detective Teel was wrong, and you had heard Mr. Gray yelling, "I can't breathe," when you were at Stop 1?

A. Had I told anyone before today? Yes, I have. Yes.

Q. Well, I don't mean about your -- I don't mean your attorneys. I -- had you gone -- these officers, at the end of this interview --

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MR. MURTHA: Objection.

THE COURT: Sustained.

BY MR. SCHATZOW:

Q. Okay. At the end of this interview --

THE COURT: Sustained.

Get to a question.

MR. SCHATZOW: Yes, Your Honor.

BY MR. SCHATZOW:

Q. You were asked this day, at the end of the interview, whether there was anything you cared to add which may aid in the investigation or clarify anything I've asked of you, or clarifying anything you said; weren't you?

A. I was asked that, yes.

Q. And you said, "No, sir"; didn't you?

A. I think I might have said something about seatbelting afterwards.

Q. Well, here's where it is, sir, if you'll direct your attention to Page 79, at the bottom of the page, going up to Page 80, which is --

A. If I could -- could I manipulate this?

Q. Could you what?

A. Manipulate this. Can I --

Q. No. I'm just -- I'm asking you about this -- this section, sir.

1 A. But on my statement --

2 Q. This page where you said -- did you -- what the
3 transcript reflects is that Detective Anderson said, "All
4 right. I just want to clarify anything you -- else you
5 care to add at this time, which may aid in this
6 investigation or clarify anything I've asked of you or
7 clarify anything you said"; isn't that what he asked you?

8 A. He did ask me that. And that's the second time
9 he asked me that.

10 Q. Right. And you said, "No, sir"; correct?

11 A. Yes. The second time, yes.

12 Q. The second time.

13 And this was at the end of the interview.
14 There's no more interview after that.

15 A. After that part, no, there's no more interview
16 from there.

17 Q. Okay. And then on Page 15 -- at Page 15, you
18 say, starting on line 18 through line 23, "Because the --
19 I guess they had called for more units because the crowd
20 was -- was -- I was more concerned with the crowd than I
21 was with whomever they were arresting. I could hear that
22 he was yelling or whatever. But I -- I was trying to
23 keep the crowd back from getting to those officers"; is
24 that what you said, sir?

25 A. I did say that, yes.

1 Q. When you arrived at Stop 2 you told -- well,
2 strike that question.

3 When you met with Detectives Teel and Anderson,
4 you told them that when you arrived at Stop 2, you parked
5 about 20 feet away from the van. Stop 2 being the stop
6 at Baker and Mount Street; is that right?

7 A. Yes, that is true.

8 Q. Okay. And you told them that you got about
9 halfway to the van when Mr. Gray was put into the van;
10 correct?

11 A. Perhaps. Yes.

12 Q. And you told them that you couldn't -- you
13 weren't close enough to see whether Mr. Gray had leg
14 irons on; correct?

15 A. That is correct.

16 Q. And you told them that you couldn't identify
17 the officers who were putting him into the van; correct?

18 A. That is -- that is not correct, no.

19 Q. Okay. I'm going to direct your attention --
20 I'm sorry --

21 MR. MURTHA: What page is that, sir?

22 MR. SCHATZOW: I think if we -- it depends on
23 how much -- we'll start on 33.

24 MR. MURTHA: Okay.

25 BY MR. SCHATZOW:

1 Q. Detective Anderson says, "So what side was this
2 officer standing on, the right side of Mr. Gray or the
3 left side? I mean, if -- if the wagon was facing south;
4 right?"

5 And you say, "South, right."

6 A. True.

7 Q. I'm reading accurately; correct?

8 A. That is accurate. Yes, sir.

9 Q. Okay. And so Detective Anderson says, "So is
10 he -- was he on the, like, the west side of Mr. Gray or
11 the east side."

12 And then Mr. Anderson interrupts you and says,
13 "You understand what I'm saying?"

14 And you say, "I don't -- I don't recall. I
15 don't know, man."

16 So Anderson -- you then say, "So he's standing
17 behind him, is what I thought." And him is Mr. Gray
18 there; right? The officer is standing behind him who is
19 putting him in the car; correct? That's what you're
20 talking about?

21 A. No.

22 Q. No?

23 A. In the wagon is what I'm talking about.

24 Q. Putting him in the wagon.

25 A. Yes.

1 Q. Yes.

2 Okay. At Stop 2.

3 A. I -- I believe this is at Stop 2. I don't know
4 where we're -- where in reference we're talking about.

5 Q. And he said -- well, here's where -- "So you
6 know west would be facing towards, like, the Fulton side;
7 right?"

8 A. That's what it says.

9 Q. So --

10 A. No. I didn't say that. Detective Anderson
11 said that.

12 Q. Right. But that helps you orient yourself.

13 He then goes on, you say "Right," and he says,
14 "And East would be toward, like, I guess toward, what,
15 Mount Street?"

16 So doesn't that orient you that we're talking
17 about Stop 2 now?

18 A. That's -- yes.

19 Q. Okay. And he says -- you say, "He was behind
20 him."

21 And Detective Anderson says, "Okay. So he was
22 -- he was more like on -- on this side of him, or I
23 guess, but if he's facing this way, I guess he'd be on
24 his right side. Was he on the right side of Mr. Gray?"

25 And you say, "He was -- he was on neither left

1 nor right. He was behind him. He was directly behind
2 him, grabbing him from behind."

3 And Detective Anderson says, "Oh, directly
4 behind him."

5 And then he asks you where his feet were
6 positioned, and you tell him that.

7 And then you say -- well, he asked you where
8 the feet were positioned, and you say, "All right. So --
9 so picture people were at the wagon." This is you
10 talking.

11 A. That's me.

12 Q. "All right. So you need to get this prisoner,
13 who is facing southbound, and the wagon here facing
14 southbound at the wagon. The officer is behind him. He
15 grabs him from behind. The door is already open. He's
16 pushing him and pulling him into the wagon. He pushes
17 him into the wagon. He tries to, like, kick his feet out
18 or whatever. Then the officer goes on the other side of
19 him and pulls him into the wagon is what I saw."

20 Detective Anderson, "So the officer got into
21 the wagon and pulls him in."

22 And you say, "Right."

23 That's accurate so far?

24 A. That is accurate so far.

25 Q. Okay. And Detective Anderson says, "So someone

1 climbed up in the wagon and pulls him in."

2 And you say, "After he had tried to pull him
3 in, he got him halfway in through the doors, and he's,
4 like, kicking his feet -- his feet. And the officer goes
5 around him, and then pulls him into the wagon."

6 And Detective Anderson says, "So the officer
7 did it by himself?"

8 And you say, "Right."

9 And Detective Anderson says, "You saw all of
10 that, and you don't know which officer it was?"

11 And you say, "I don't know. I was back out
12 far, man."

13 Isn't that right?

14 A. That's what it says. Yes, that's what it
15 reads.

16 Q. Okay. And that's what you -- and it reads that
17 way because that's what you actually said; isn't it?

18 A. Well, you're leaving out parts. But sure, yes.
19 And then it goes on to say that it's a bicycle officer
20 who has the -- who happens to be slender, so it's either
21 Nero or Lieutenant Rice. But, yes, you're leaving out
22 things.

23 Q. Well, I'm not leaving anything out in what we
24 just read.

25 A. In what we just read, no. No.

1 Q. And you didn't identify the officer because you
2 told them I was too far back, man.

3 A. It was -- I said it was a white, slender
4 officer, Nero or Lieutenant Rice, is what I said.

5 MR. SCHATZOW: Excuse me one second, Your
6 Honor.

7 BY MR. SCHATZOW:

8 Q. When he said -- when Detective Anderson said
9 you saw all that and you don't know which officer it was,
10 your response was, "I don't know. I was back out far" --

11 MR. MURTHA: Objection.

12 THE COURT: Sustained. Sustained.

13 Ask another question.

14 MR. SCHATZOW: Okay.

15 THE COURT: That hasn't already been answered.

16 BY MR. SCHATZOW:

17 Q. But the fact of the matter is you wasn't -- you
18 weren't back out far; were you?

19 A. I -- I don't -- I wasn't back out far?

20 Q. From the wagon?

21 A. I walked up to the wagon.

22 Q. You were right up at the back of the wagon;
23 weren't you?

24 A. I walked up to the wagon.

25 Q. Right. Even though you told the officers when

1 they interviewed you you were only halfway back.

2 A. I'm sorry. It was -- it was about a week ago
3 when I had done that testimony.

4 Q. It was --

5 A. It was a week later.

6 Q. It was -- it was five days later.

7 A. Oh, I'm sorry.

8 Q. It was on Friday; right? Correct?

9 A. I can't remember. Perhaps.

10 Q. It was April 17th; wasn't it?

11 A. All right. Yes.

12 Q. And that's five days after April 12th; can you
13 agree with that?

14 A. Yes. That is five days after April 12th, yes.

15 MR. SCHATZOW: In fact, if we could see which
16 exhibit number is it, the cell phone video, 25, Your
17 Honor?

18 THE COURT: Okay.

19 (Brief pause.)

20 (Whereupon, a portion of Exhibit 25, the cell
21 phone video, was played in open court, but is
22 untranscribed herein.)

23 BY MR. SCHATZOW:

24 Q. Stop right there. That's you getting out of
25 the car; isn't it, sir?

1 A. That is me getting out of the car. Yes, sir.

2 Q. Okay.

3 MR. SCHATZOW: Would you continue to roll it?

4 (Whereupon, a portion of Exhibit 25, the cell
5 phone video, was played in open court, but is
6 untranscribed herein.)

7 MR. SCHATZOW: Stop it.

8 BY MR. SCHATZOW:

9 Q. And then, sir, in the -- in the dark blue
10 uniform, back to the camera, something coming out of his
11 back pocket, that's you, sir?

12 A. That is me, yes.

13 Q. Okay. And you're right on back of the camera
14 camera.

15 MR. SCHATZOW: If you could keep rolling,
16 please.

17 (Whereupon, a portion of Exhibit 25, the cell
18 phone video, was played in open court, but is
19 untranscribed herein.)

20 BY MR. SCHATZOW:

21 Q. You were right there, and you didn't see
22 Lieutenant Rice come out of the wagon?

23 A. At that that point in time, I didn't know it
24 was Lieutenant Rice. I just knew it was a white, slender
25 officer.

1 Q. Didn't you have -- but Lieutenant Rice is a
2 shift commander there.

3 A. He is a shift commander, yes.

4 Q. There were only -- I don't know what Mr.
5 Proctor said, 11 people working that day; right?

6 A. That is true, yes.

7 Q. You'd been there for two years.

8 A. Yes.

9 Q. Right. But you couldn't identify -- you didn't
10 identify him to the --

11 A. I didn't identify him. I said it was one of
12 the bike officers that was present at that arrest.

13 Q. One of the bike officers.

14 Sir, were you -- you had talked about, in your
15 testimony in response to a question, you said something
16 about the don't snitch culture in Baltimore; do you
17 remember being asked about that?

18 A. There was a -- not -- don't -- stop snitching
19 is what it's called. Yeah.

20 Q. Stop snitching. Right.

21 Is that a culture in the Baltimore Police
22 Department?

23 A. Absolutely not. I'm actually offended that you
24 would say something like that.

25 Q. Well, sir, did you not tell the officers who

1 were investigating this truth the truth about where you
2 were standing and what you saw because you didn't want to
3 involve other officers?

4 A. No, that's not true. I -- I identified the
5 officers. I said they were -- I said everyone's name. I
6 gave all the officer's names. Lieutenant Rice, Nero,
7 Miller. I said every officer that was there.

8 Q. You didn't say the officer who was coming out
9 of the wagon --

10 A. I -- I --

11 Q. -- right while you were standing at the back of
12 wagon; did you?

13 A. I didn't know who it was. I'd be assuming if I
14 -- if I said who -- which one it was. I didn't know.

15 Q. And would it be fair to say that, at the time,
16 you were as close to that officer as I am to you now?

17 A. Possibly.

18 Q. When -- after Mr. Gray went into the wagon, at
19 Stop 2, there came a time when you had a conversation
20 with Brandon Ross; correct?

21 A. That is true. I -- yes.

22 Q. You say that you told Brandon Ross to call 911?

23 A. I said to him to call 911 for a supervisor
24 complaint, yes.

25 Q. Did you -- you listened to the cell phone video

1 that was played here in court; correct?

2 A. I -- I did listen to it, yes.

3 Q. And you've listened to it before then; haven't
4 you? Before today in court and before we played it?

5 A. No. I hadn't seen this video before we got to
6 court, no.

7 Q. Okay. You didn't hear anything on that video
8 about telling Brandon Ross to call 911; did you?

9 A. You can't really hear any other voices other
10 than Brandon Ross because he's yelling, but I'm having a
11 conversation with him, much like I'm having with you.

12 Q. You didn't hear on the cell phone Brandon Ross
13 -- you -- you didn't hear yourself telling Brandon Ross
14 to call 911 on the cell phone video; did you?

15 A. You don't hear much on the -- on the recording
16 because it's in Brandon Ross' pocket, and he's yelling.
17 And I'm having a conversation like I'm having with you
18 right now.

19 Q. Sir, my question is what you heard. You didn't
20 hear on the cell phone video Brandon Ross -- excuse me,
21 you telling Brandon Ross to call 911.

22 A. You didn't hear much, other than Brandon Ross
23 yelling, because he was yelling. The pocket was in his
24 phone.

25 THE COURT: Sir, answer the question that was

1 posed to you, please.

2 THE WITNESS: No.

3 BY MR. SCHATZOW:

4 Q. And, in fact, when Brandon Ross -- when you
5 told Brandon Ross the supervisor here is Lieutenant Rice,
6 and Brandon Ross says, in effect, he's the guy who was --
7 who's here who's involved; I need somebody else. What
8 you told him to do was go to the media; right?

9 A. That's what I instructed him to do, yes.

10 Q. You didn't tell him to call Internal Affairs,
11 did you, at the police department?

12 A. No, I didn't tell him that. No.

13 Q. No.

14 And your telling him to go to the media was
15 like telling him to go fly a kite; wasn't it?

16 MR. MURTHA: Objection.

17 MR. SCHATZOW: You just wanted to get rid of
18 him.

19 THE COURT: Overruled.

20 Did you?

21 THE WITNESS: No. That is not -- I didn't want
22 to just get rid of him. No.

23 BY MR. SCHATZOW:

24 Q. You thought you were being helpful to him?

25 A. Yes. Absolutely.

1 Q. He wanted -- he wanted somebody from the police
2 department to intervene in this situation. And what you
3 told him to do was go talk to the media; right?

4 A. No. I instructed him who my superior was, and
5 I gave him that information.

6 Q. Right. And then you told him go talk the
7 media. You know what to do. Not go to the police
8 department and seek help from the way the situation is
9 being handled, but go to the media; that's what you told
10 him?

11 A. After I instructed him to talk to my
12 supervisor, yes.

13 Q. When you arrive at Druid Hill and Dolphin
14 Street, what we've been referring to as Stop 4, you were
15 aware that Officer Goodson had made a radio call for
16 someone to come because he -- I need to check out this
17 prisoner; isn't that what he said?

18 A. Those are the words he said, yes.

19 Q. And when you arrived there, didn't you ask Mr.
20 Goodson why do you need my help to check out this
21 prisoner?

22 A. I did not, no.

23 Q. You didn't ask him anything about why he was
24 seeking assistance from another unit; did you?

25 A. When I walked up he said, hey, help me check on

1 this prisoner, is what he said.

2 Q. My question, sir, is you didn't ask him any
3 questions about why --

4 A. No, I didn't. I didn't ask him any questions.
5 No.

6 Q. And when you were interviewed -- let me strike
7 that.

8 When you did the demonstration with your two
9 lawyers today about how you got Mr. Gray off the floor of
10 the van at Stop 4 and onto the bench, you said that you
11 were just assisting Mr. Gray because he was using his own
12 muscles to get up; is that right?

13 A. Those are the words I said, yes.

14 Q. Okay. But, in fact, when you were interviewed
15 by Detectives Teel and Anderson on April 17th, you never
16 say that Mr. Gray helped in any way to get from the floor
17 to the bench; did you?

18 A. No. I didn't elaborate on how I got him from
19 the floor to the bench. I thought it was obvious.

20 Q. In -- in fact -- but you thought it was obvious
21 to Detectives Teel and Anderson without explaining it to
22 them?

23 A. Yes.

24 Q. Okay. In fact, didn't you repeatedly tell
25 them, "I put him on the bench"?

1 A. Those are my words, yes. But it would be
2 physically impossible for me to place someone onto a
3 bench in that tight of a space.

4 Q. You -- you told them you put him on the bench,
5 you placed him on the bench; correct? He was on the
6 bench.

7 A. He was on the bench; that is correct, yes.

8 Q. And you told them that you put him there?

9 A. I assisted him there, yes.

10 Q. But you never told them that Mr. Gray played
11 any role in getting himself from the floor to the bench;
12 did you?

13 A. I apologize. They didn't ask me that question,
14 no.

15 Q. And -- well, they ask you whether you put him
16 on the bench. And when you said yes, or when you said,
17 "I put him on the bench," you never said, "I put him on
18 the bench, but it was really with his assistance. He
19 was, you know, actively involved in getting on the
20 bench." You never said anything about that in words or
21 substance; did you?

22 A. That didn't come into question until today, no.

23 Q. The question, "Did you put him on the bench,"
24 would not have generated that response from you because
25 that's what you were asked; wasn't it?

1 A. No. That would not generate that response, no.

2 Q. You would have had to have been specifically
3 asked, "To what extent did Mr. Gray use his own muscle
4 power to get on the bench?"

5 A. That didn't come into question until today,
6 sir.

7 Q. Please listen to my question. Let's -- let's
8 get the exact question.

9 If we could go to -- in fact, why don't we just
10 --

11 MR. SCHATZOW: Your Honor, with the Court's
12 permission, I think it's easier to just play the audio
13 portions. I think -- do we have the video --

14 THE COURT: It's your witness.

15 MR. SCHATZOW: -- (Inaudible at 2:37:58 p.m.)?

16 THE COURT: What's the -- there's no question.
17 So I don't understand what you mean.

18 MR. SCHATZOW: I'm about to ask the question,
19 Your Honor. I apologize.

20 BY MR. SCHATZOW:

21 Q. Weren't -- weren't -- didn't you describe what
22 you did?

23 MR. MURTHA: Who -- can I get a page, please?

24 MR. SCHATZOW: Sure. 42, line 5.

25 BY MR. SCHATZOW:

1 Q. Page 42, line 5. The question that Detective
2 Teel asks is, "Okay. And what did you -- take me from
3 that point, what happened?" We're at Dolphin and Druid
4 Hill.

5 And you start talking about what happened.
6 You're giving your own narrative about it. And you say,
7 "And he doesn't say anything. And he's like, help me,
8 help me up. So I was, like, what -- what's the deal. So
9 I pulled him up"; isn't that what you said?

10 A. If I could -- if I could go along with you if
11 you don't mind. I'm sorry. I can't see what you're
12 reading. I apologize, sir.

13 Q. Well -- you haven't -- you haven't studied this
14 statement --

15 MR. MURTHA: Objection.

16 MR. SCHATZOW: -- when --

17 THE COURT: Sustained. Strike the question.
18 Ask a question.

19 BY MR. SCHATZOW:

20 Q. Sir, weren't you -- weren't you asked by
21 Detective Teel to --

22 MR. MURTHA: Line and page?

23 MR. SCHATZOW: -- from --

24 THE COURT: Line and page.

25 MR. SCHATZOW: Page 41.

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BY MR. SCHATZOW:

Q. She said -- you say that, on 41, line 12, "I think I may have been, like, right at the intersection of Dolphin and Druid Hill"; correct?

A. That is what it says, yes.

Q. And Detective Teel says, "Were you behind the" -- and you say, "I was behind, yes"; is that what -- what's said?

A. That's what it says, yes, sir.

Q. Okay. And then Detective Teel says, "Okay. And what did you -- take me from that point, what happened"; isn't that her question?

A. That is what happens, yes.

Q. And then you proceed to tell her what happened; correct?

A. That's -- yes.

Q. And part of what you tell her when it comes to putting Mr. Gray on the bench, you say, "So I pull him up"; correct?

A. If you skip everything else I've said, and go there, then yes, that's what it's says.

Q. Well, is there -- is there anywhere where you told them that Mr. Gray played any role in getting on the bench?

A. That didn't come into question until today,

1 sir, no.

2 Q. Well, she asked you what happened; didn't she?

3 A. She did ask me what happened, yes.

4 Q. When you were asked today by your lawyers what
5 happened, you told them that you were merely assisting
6 Mr. Gray, that he was using his own power to get to the
7 bench.

8 A. Because that came --

9 Q. Correct?

10 A. -- into the question, yes.

11 Q. No. They just -- they asked you what happened,
12 and she asked you what happened, and you gave two
13 different answers; didn't you?

14 A. No. I didn't give -- I further explained my
15 answer from here.

16 Q. But you didn't have that explanation anywhere
17 in this statement; correct?

18 A. When I made that statement, I was making it as
19 a witness. I didn't know I was a suspect in the case.

20 Q. Was that a reason to provide less information?

21 A. I didn't know I needed to defend myself in that
22 statement, no.

23 Q. Because I -- did you think that you had an
24 obligation to tell them the truth?

25 A. Absolutely. I told them the truth.

1 Q. Did you think you had an obligation to tell
2 them the complete truth?

3 A. Absolutely.

4 Q. So why didn't you tell them about Mr. Gray
5 helping you up -- Mr. Gray helping himself up, as you
6 helped him up?

7 A. Why didn't I tell them that he was assisting?
8 I thought it was obvious.

9 Q. Now, you had -- at Stop 4, you had the
10 opportunity to put that seatbelt around Mr. Gray; didn't
11 you?

12 A. That is true.

13 Q. And you didn't do it; correct?

14 A. I did not, no.

15 Q. And you didn't call a medic?

16 A. No, I didn't.

17 Q. And your testimony is that you got this call
18 for an urgent backup, and that's when you got out of the
19 van?

20 A. No. That's not -- no.

21 Q. You were already out of the van?

22 A. I was already out of the van, yes.

23 Q. All right. And the call for urgent -- it
24 wasn't an urgent backup. It was a call for 10-16. It's
25 just a backup; isn't it?

1 A. There was some urgency.

2 Q. Single 13 is an emergency --

3 MR. MURTHA: Objection.

4 THE COURT: Sustained.

5 MR. SCHATZOW: I'm asking a question.

6 BY MR. SCHATZOW:

7 Q. Isn't single 13 the emergency call?

8 MR. MURTHA: Objection.

9 THE COURT: Overruled.

10 THE WITNESS: That is officer down, send
11 assistance.

12 BY MR. SCHATZOW:

13 Q. Right. And 10-16 is -- is I need a backup.
14 And it could be an emergency, or it could not be an
15 emergency; right?

16 A. Would you like for me to explain to you the 10
17 codes, and how they go?

18 Q. I would like --

19 THE COURT: No. Probably what he wants you to
20 do is answer the question that he poses, and not ask him
21 a question.

22 THE WITNESS: All right.
23 Can you repeat your question?

24 BY MR. SCHATZOW:

25 Q. Yes. A 10-16 is the way one calls for backup,

1 whether it's an emergency or non-emergency; isn't it?

2 A. The way I understand it, in my training and
3 experience, 10-16 is urgent backup.

4 Q. Okay. Let's talk about your training a little
5 bit.

6 Do you remember the part of your medical
7 training that Officer Carson-Johnson testified about
8 teaching you involving calling a medic when someone
9 requests a medic?

10 A. I recall her testimony, yes.

11 Q. No. Do you recall that part of your training?

12 A. Hmm. It's not vivid, but I got that training.

13 Q. When you say it's not vivid, do you recall some
14 part of it?

15 A. Some parts of it, of the LEMAT (phonetic)
16 class, yes.

17 Q. No. I don't mean parts of the -- I mean part
18 of you call a medic when somebody requests a medic.

19 A. No. I think what she said -- I'm sorry. No,
20 no. I --

21 Q. You don't recall it?

22 A. She said you've got to be a detective, I think
23 the words that she used. You've got to be a detective
24 and use your discretion is what she said when she
25 testified.

1 Q. You also heard her say, didn't you, that when
2 somebody requests a medic, you get them a medic, and then
3 you ask them questions so you can get information to give
4 to the medic?

5 A. I did hear her say that, yes.

6 Q. Okay. Do you remember that from your training?

7 A. I -- I remember that here, not necessarily in
8 my training, no. No.

9 Q. But you do remember parts of your medical
10 training; don't you?

11 A. I do, yes.

12 Q. Just not that part?

13 A. Just not that part, no.

14 Q. And also in your training, you were trained to
15 put a seatbelt on anybody you transport unless it would
16 be a safety issue. Dangerous for you; correct?

17 A. I -- I never -- until Agent Bilheimer
18 (phonetic) got up here, I -- I never heard that. We had
19 no wagon training. There was no such things as a wag --
20 we didn't have a wagon training.

21 Q. Well, he was teaching you vehicle procedures;
22 wasn't he?

23 A. Yeah. He was teaching you vehicle procedures;
24 wasn't he?

25 A. Yeah. He was -- he was the EVOC (phonetic)

1 teacher; that is true, yes.

2 Q. Right. So you don't recall him teaching what
3 he said he taught about seatbelts; is that right?

4 A. No. I don't. I'm sorry, I don't. No.

5 Q. But it is what's right in that K-14 order,
6 which you say you received on flash drive?

7 A. I received the General Orders on a flash drive,
8 yes.

9 Q. Right. And during the 11 months you were in
10 the academy, did you ever look on the flash drive at any
11 of the Orders?

12 A. Just the specific ones that they asked us to.
13 There's a lot of General Orders.

14 Q. Well, this one involves persons in custody.
15 Did you think it was important to look at the one called
16 Persons in Custody?

17 A. I looked at the specific General Orders that
18 they asked us to do for -- as far as our curricular in
19 the -- in the academy.

20 Q. My question is did you think it was important
21 to look at an Order called Persons in Custody?

22 A. There's no way -- I don't know what the General
23 Orders are called until -- until they -- I think I don't
24 -- there's no guide that says Persons in Custody. It
25 says General Order, whatever the number is, and then they

1 tell us to look it up.

2 Q. So if you -- you didn't look at the General
3 Orders?

4 A. I looked at the General Orders specifically for
5 the classes in the academy.

6 Q. And let me show you what's in evidence as
7 Exhibit 5, which is a receipt. Is that your signature on
8 the bottom of the receipt?

9 A. That's my signature at the bottom, yes.

10 Q. And you signed for acknowledging receiving the
11 General Orders; correct, among other things?

12 A. I did sign there, yes.

13 Q. My question, did you sign it acknowledging
14 receipt of the General Orders, among other things?

15 A. Yes. Yes. I said yes.

16 Q. Okay. When you were interviewed by Detectives
17 Teel and Anderson on April 17th of this year, you never
18 said anything about concern about your gun being a reason
19 why you didn't seatbelt Mr. Gray; did you?

20 A. That is true.

21 Q. When you were at Stop 5 -- well, excuse me.
22 Before we get to Stop 5, you were at -- let's go back to
23 Stop 4.

24 You're outside the wagon, and you say you had a
25 conversation with an Officer Goodson about the prisoner

1 and going to the hospital; correct?

2 A. Yes, sir.

3 Q. Okay. And then you say you got called away by
4 the call for backup; is that right?

5 A. Everyone got the call for backup.

6 Q. Okay. There was a call for backup. But, in
7 fact, someone responded to that call before you did;
8 didn't they?

9 A. Yes.

10 Q. And there was a call for a wagon; wasn't there?

11 A. There was. Immediately after the backup, there
12 was a call for a wagon.

13 Q. Right. And then Officer Goodson responded to
14 the call for the wagon before you responded; didn't he?

15 A. Yes.

16 Q. And, in fact, then Lieutenant Rice, who was the
17 one who was making the call, indicated that he didn't
18 need any more back up, and then there was a subsequent
19 call where he asked for somebody to do crowd control at
20 North and Carey; correct?

21 A. I can't say for certain.

22 Q. Okay.

23 MR. SCHATZOW: If we could have the -- that
24 portion of the KGA played. Do we have Exhibit 30? It's
25 Exhibit 30. Can we have transcript --

1 Your Honor, the transcript of this will be on
2 the screen. It's Exhibit 30.

3 BY MR. SCHATZOW:

4 Q. If you'd take a look at this, sir. Can you see
5 it from where you are?

6 A. Kind of.

7 MR. SCHATZOW: Your Honor, may he get closer if
8 he needs to?

9 THE COURT: He may.

10 BY MR. SCHATZOW:

11 Q. Now, at 9:06 and 57 seconds, where it says,
12 "09", that's Lieutenant Rice; correct?

13 A. I'm sorry.

14 Q. First line. Top line.

15 A. Yes. Yes.

16 Q. Okay. And he says 10-16, that's the backup
17 call; correct?

18 A. That is correct.

19 Q. 1600 North is the address; correct?

20 A. That is the address he gave, yes.

21 Q. Okay. Then on the next line, four seconds
22 later, that's the dispatcher; correct? Saying 1600 North
23 need a 10-16; correct?

24 A. That is correct.

25 Q. And the next thing that happens, five seconds

1 after that, is 22, I'm in route; correct?

2 A. That is correct.

3 Q. And that is the officer who is Number 22 that
4 day? That's -- he's identifying himself, and he's saying
5 he's on route; correct?

6 A. That is 7 Baker 22.

7 MR. SCHATZOW: We're going to play it in just a
8 minute. Well, actually, why don't you -- why don't you
9 play it, so we can --

10 BY MR. SCHATZOW:

11 Q. And then there's a 10-4 from the dispatcher;
12 correct?

13 A. Yes.

14 Q. Okay.

15 MR. SCHATZOW: Why don't you go ahead and play
16 that for him.

17 (Whereupon, the call was played in open court,
18 but remains untranscribed herein.)

19 MR. SCHATZOW: Stop there.

20 BY MR. SCHATZOW:

21 Q. Okay. Then the next thing that happens is
22 about two seconds after the dispatcher says -- yes, two
23 seconds after the dispatcher says 10-4, the request is
24 for a wagon; correct?

25 A. Umm --

1 Q. If you look at the time?

2 A. Yeah, yeah. I see it. Yes, I see it. Sorry.

3 Yes.

4 Q. 9:07:09. You got it?

5 A. I got it, yes.

6 Q. Okay. And there's a request for a wagon;

7 right?

8 A. Yes. It says, "And a wagon and a wagon."

9 Q. And a wagon and a wagon.

10 And then, just about a second after that,

11 there's a call for 91; correct?

12 A. Yes.

13 Q. And seven seconds after that, because there's

14 no response, there's a call Baker 91; correct?

15 A. Yes.

16 Q. Okay. And Baker 91 is Officer Goodson;

17 correct?

18 A. He is.

19 Q. And then about two seconds after that, you hear

20 someone say, "Hang on, I'm going to have to turn around

21 and come back up there, 1600 North"; you see that?

22 A. Yes.

23 Q. Okay. We'll play that for a moment -- in a

24 minute --

25 MR. SCHATZOW: Well, why don't we run it, play

1 it through, and you can tell me whether that's Officer
2 Goodson.

3 (Whereupon, the call was played in open court,
4 but remains untranscribed herein.)

5 BY MR. SCHATZOW:

6 Q. Okay. Then -- and then you hear the dispatcher
7 say that 1600 North --

8 MR. SCHATZOW: Why don't you -- Joe, play it
9 all the way through for us.

10 (Whereupon, the call was played in open court,
11 but remains untranscribed herein.)

12 BY MR. SCHATZOW:

13 Q. So, sir, what happened was --

14 A. Can I take a seat?

15 Q. Yes, please.

16 Lieutenant Rice, who is 09, says we have things
17 contained, but we have a crowd forming, and we need North
18 and Carey covered; correct?

19 A. He does say that, yes.

20 Q. And you're the one who responds to that when
21 the dispatcher says, okay, I need a unit at North and
22 Carey, you identify yourself by saying 43; correct?

23 A. Yes.

24 Q. Because that is who you were that day, that was
25 your number; correct?

1 A. That is true.

2 Q. Okay. And you say I'm coming behind 91 up
3 there; right?

4 A. Yes.

5 Q. And 91 is the wagon, Officer Goodson; correct?

6 A. That is true, yes.

7 Q. All right. And you are coming behind him;
8 correct?

9 A. I -- at the time when I said that, I was behind
10 where the wagon was, yes.

11 Q. Right. And at no time did you call Officer
12 Goodson, or when you were talking -- well, let me ask you
13 this. Did you hear all of this conversation while you
14 were talking with Officer Goodson behind the wagon?

15 A. I think as a soon as -- I can't really recall,
16 but I'm going -- as soon as it came out 10-16, I would
17 have been heading back to my vehicle at that time. And
18 those seven seconds would have been getting in my car.

19 Q. At any time, did you radio dispatch or Officer
20 Goodson, wait a minute, you can't go respond to this,
21 you've got a prisoner you've got to take to the hospital?

22 A. I can't do that. I -- I can't do that.

23 Q. What do you mean you can't do that? Your radio
24 worked; didn't it?

25 A. There's -- there's a hierarchy. I can't tell

1 Officer Goodson what to do. And -- and -- I can't tell
2 Officer Goodson what to do.

3 Q. Okay. Now, my question is did you ever make an
4 effort to use your radio to contact Officer Goodson and
5 say you're supposed to take this guy to the hospital?

6 A. No, I didn't. No. There never came a time I
7 did that.

8 Q. All right. And did you -- there are other --
9 there were no other wagons in the Western that day?

10 A. There were no other wagons in the Western that
11 day.

12 Q. But there are other wagons in the City; aren't
13 there?

14 A. That is true, yes. There are other wagons.

15 Q. And if a wagon is out of service because it's
16 taking someone to the hospital or because it got a flat
17 tire, then the dispatcher can get another wagon from
18 another district; can't they?

19 A. I don't make that decision.

20 Q. Sir, I'm not asking you whether you made the
21 decision. I'm asking you if a dispatcher can ask for a
22 wagon from another district.

23 A. Yes. Yes. A dispatcher can -- has the power
24 to do that, yes.

25 Q. Okay. So did you really have a conversation

1 with Officer Goodson about taking Mr. Gray to the
2 hospital?

3 A. I think I already answered that. And the
4 answer to that is yes, I did have a conversation.

5 Q. But you went to this scene, North and Carey,
6 behind the wagon, knowing full well that the wagon was
7 not going to the hospital; correct?

8 A. I -- no. That's not true.

9 Q. You did know the wagon was not going to the
10 hospital?

11 A. I got to the scene before the wagon got to the
12 scene.

13 Q. Right. But you left behind the wagon; didn't
14 you?

15 A. I was behind the wagon when I left, yes.

16 Q. Right. And you weren't -- you said I'm coming
17 behind 91 up there; correct?

18 A. Be -- be -- yes. That's what I said, yes.

19 Q. And you said it because you were behind 91;
20 correct?

21 A. My car was parked behind 91, yes.

22 Q. Well, you said, "I'm coming behind 91." You
23 didn't say, "I'm parked behind 91"; did you?

24 A. No. No. I didn't say that, no.

25 Q. And you knew that 91 had just said that he was

1 going to the scene; correct?

2 A. Yes. That's what it says, yes.

3 Q. And at Stop 5, you say that Sergeant White
4 ordered you to follow the wagon to the station house;
5 right?

6 A. She --

7 Q. Western District.

8 A. She said -- she ordered me to do the hospital
9 detail, yes.

10 Q. Didn't she also order you to follow the wagon?

11 A. I'm sorry? She ordered me to do the hospital
12 detail.

13 Q. Right. Didn't she order you to follow the
14 wagon to the District?

15 A. Not that I can recall, no. It would have been
16 to do the hospital detail, and I would have gone behind
17 the wagon. But she didn't order me to do that. She
18 ordered me to do the hospital detail.

19 Q. You couldn't -- you couldn't very well do the
20 hospital detail if you weren't with the wagon; could you?
21 The wagon would -- would -- could get to wherever the
22 wagon was going to go, and you wouldn't be there.

23 A. I'm sorry. Repeat your question.

24 Q. Didn't Sergeant White tell you that you have to
25 take over the hospital detail, and just to follow the

1 wagon down to the station?

2 A. She did tell me to do the hospital detail. She
3 -- there -- she never said anything about the wagon.

4 Q. When you met with Detectives Teel and Anderson
5 on April 17th, 2015 --

6 MR. SCHATZOW: At page 47, lines 2 through 7,
7 Counsel.

8 Thank you.

9 BY MR. SCHATZOW:

10 Q. Weren't you asked the following question, and
11 didn't you give the following answer?

12 A. I'm sorry --

13 Q. Detective --

14 A. -- hold on. What -- where was it?

15 Q. 47, lines 2 through 7.

16 Detective Teel: "After she finished to talking
17 to Mr. Gray what happened?"

18 Officer Porter: "Uh. Well, she told me that I
19 would have to take over the hospital detail, and just to
20 follow the wagon down to the station."

21 Is that what you said?

22 A. That's what it says, yes.

23 Q. But you didn't do that; did you?

24 A. Yes, I did do that.

25 Q. Your own testimony this morning was that you

1 waited two to five minutes --

2 A. I --

3 Q. -- before you went down to the station;
4 correct?

5 A. That is correct, yes.

6 Q. And -- and when you went down to the station,
7 you didn't go down Mount Street; you went down
8 Pennsylvania Avenue; didn't you?

9 A. No. No.

10 Q. Okay.

11 MR. SCHATZOW: You've got that?

12 BY MR. SCHATZOW:

13 Q. Your car number -- I think I already asked you
14 this. Just to be clear, your car number that you were
15 driving that day is 9239; isn't it?

16 A. Mmm.

17 Q. I've handed you Exhibit 5, the run sheet.

18 A. Yes. It says 9239. That's what it says, yes.

19 Q. And on the top of Baltimore Police cars, the
20 number of the car appears, but only the last three
21 digits; correct?

22 A. Yeah. That's true, yes.

23 MR. SCHATZOW: What's our next exhibit number?

24 THE CLERK: 77.

25 MR. SCHATZOW: Your Honor, at this time,

1 pursuant to stipulation, I offer a CCTV disc, which is
2 Exhibit --

3 I'm sorry?

4 THE CLERK: 77.

5 MR. SCHATZOW: -- 77.

6 (State's Exhibit Number 77
7 was marked for identification.)

8 THE COURT: And specifically what?

9 MR. SCHATZOW: This is a -- this is a scene --
10 this -- CCTV of the wagon and the police cars, the wagon
11 leaving the scene at North and Pennsylvania. And --

12 THE COURT: Okay.

13 MR. SCHATZOW: -- showing the delay -- the
14 timing and the direction of Officer Porter's car, Your
15 Honor.

16 THE COURT: Okay.

17 Any objection?

18 MR. MURTHA: I believe it's stipulated to, Your
19 Honor. No, Your Honor.

20 THE COURT: I hear it, right, a stipulation.
21 That's fine. Okay.

22 No objection. So entered.

23 (State's Exhibit Number 77
24 was received in evidence.)

25 MR. SCHATZOW: Okay.

1 (Whereupon, the CCTV video was played in open
2 court.)

3 MR. SCHATZOW: Stop it right there.

4 BY MR. SCHATZOW:

5 Q. This is the wagon leaving the scene that we've
6 called Stop Number 5; isn't it, Officer Porter?

7 A. Yes. That is, yes.

8 Q. Okay. And your car was the first car in front
9 of the wagon; wasn't it?

10 A. I -- I can't -- I don't know. I can't
11 remember.

12 Q. Okay. We'll have a shot in a moment that will
13 let you see the numbers.

14 MR. SCHATZOW: Go ahead, please.

15 (Whereupon, the CCTV video was played in open
16 court.)

17 MR. SCHATZOW: Stop it there for just one
18 second.

19 BY MR. SCHATZOW:

20 Q. Sir, what -- what is this -- this street here,
21 that we're looking down?

22 A. That's North Avenue.

23 Q. Okay.

24 MR. SCHATZOW: Go ahead.

25 (Whereupon, the CCTV video was played in open

1 court.)

2 BY MR. SCHATZOW:

3 Q. Excuse me, sir. That's your car, or one of
4 those cars is -- one of those cars --

5 A. One of those cars are mine. Yes, that's true.

6 Q. -- is yours. And that's on North Avenue,
7 facing eastbound; correct?

8 A. That would be westbound.

9 Q. Westbound. I'm sorry. Westbound. Fine.

10 (Whereupon, the CCTV video was played in open
11 court.)

12 MR. SCHATZOW: Stop it there for a second.

13 BY MR. SCHATZOW:

14 Q. Officer, you see that the officer for the first
15 car is now getting into his car?

16 A. I can see that, yes.

17 Q. Okay.

18 MR. SCHATZOW: You can keep rolling.

19 (Whereupon, the CCTV video was played in open
20 court.)

21 BY MR. SCHATZOW:

22 Q. Sir, isn't this your car, 239 -- get up as
23 close as you need to to see it -- turning down
24 Pennsylvania Avenue?

25 A. I see nine -- I see 239, yes.

1 Q. Turning down Pennsylvania?

2 A. Yes. He turned onto Pennsylvania; yeah.

3 Q. And that's you. 239 is your car; right?

4 A. Can I see that again?

5 Q. The run sheet? Sure.

6 A. Yes. Can I see the run sheet?

7 Q. It's State's Exhibit 29.

8 A. It says 9239, yep.

9 Q. When you got to the Western District, you

10 opened up the door for Mr. Allan?

11 A. No.

12 Q. You opened up the door for Mr. Gray?

13 A. Yes.

14 Q. Okay. And when you opened the door at the

15 Western District, which we've been referring to as Stop

16 6, you saw Mr. Gray in the same position that you had

17 seen him at Stop 5; correct?

18 A. As I explained earlier, it was -- it was more

19 exaggerated.

20 Q. When you were interviewed by Detectives Teel

21 and Anderson on April 17th of 2015, you did not indicate

22 that it was more exaggerated. You simply said, "He was

23 in the same position"; didn't you?

24 A. Yes. I -- I elaborated today.

25 Q. But you didn't elaborate to them on April 17th?

1 A. I did not, no.

2 Q. All you told them was that he was in the same
3 position.

4 And so what your testimony today is is
5 different than the information you gave to Detectives
6 Teel and Anderson; correct?

7 A. Not correct, no. I just elaborated today.

8 Q. Well, isn't that different? Didn't you add
9 something to what you told them?

10 A. I just expounded upon what I said.

11 Q. Well, but all you had told them was the same
12 position. Isn't same position different than same
13 position but more -- more exaggerated?

14 Q. I think you just said exactly what I've been
15 saying. The same position, but more exaggerated.

16 Q. Could you --

17 A. You just said that.

18 Q. Sir, answer the question. What -- is what --
19 when Detective Anderson, on April 17th, asked you, "What
20 did you see," didn't you say the same was he was -- he
21 was --

22 MR. MURTHA: Excuse me.

23 MR. SCHATZOW: -- still sitting there leaning
24 against --

25 MR. MURTHA: Excuse me.

1 MR. SCHATZOW: I'm just going to play it, Your
2 Honor, if you don't mind. I think that will be easier.

3 THE COURT: Well, no.

4 MR. SCHATZOW: Can you get that queued up?

5 THE COURT: Is there an objection?

6 MR. MURTHA: I'm just -- when he starts
7 reading, I would ask that --

8 MR. SCHATZOW: I'm sorry.

9 MR. MURTHA: That's all I'm asking for.

10 MR. SCHATZOW: 62, 11 -- well, let's go back to
11 line 8.

12 MR. MURTHA: Okay. Thank you.

13 MR. SCHATZOW: Start at 62 on line 8.

14 And, Your Honor, in order to demonstrate what
15 he said, if we could play the video of that portion
16 alone.

17 You've got it? 62, page 8.

18 MR. MURTHA: Line 8.

19 MR. SCHATZOW: I'm sorry. Page 62, line 8.

20 Your Honor, we'll go back to the old tape now.

21 BY MR. SCHATZOW:

22 Q. 62, line 8. Detective Anderson says, "So when
23 you opened the door for Mr. Gray, Officer Porter" --

24 You say, "Yeah."

25 Detective Anderson says, "What did you see?"

1 And you say, "The same was -- he was -- he was
2 still sitting there leaning against the bench."

3 Isn't that what you say?

4 A. That is -- that's what I said, yes.

5 Q. Okay.

6 MR. SCHATZOW: Your Honor, if I could have a
7 Court's indulgence for a moment?

8 THE COURT: You may.

9 (Brief pause.)

10 MR. SCHATZOW: I'm sorry, Your Honor. I'm
11 apparently looking at 6 when I should have been looking
12 at 9.

13 And I think, Your Honor, I'm ready to conclude
14 now, if I can.

15 THE COURT: Okay.

16 BY MR. SCHATZOW:

17 Q. Officer Porter, this is State's Exhibit 9. I
18 want to show you what's marked as State's Exhibit 9 on
19 page that's numbered P0677.

20 A. Uh-huh.

21 Q. There's some typed information there, and then
22 there's handwriting; do you see that?

23 A. Yes.

24 Q. Is that your handwriting?

25 A. That is my handwriting, yes.

1 Q. And that's something you wrote when you were in
2 the training academy; correct?

3 A. That is something I wrote in the training
4 academy.

5 Q. And what you wrote when you were in the
6 training academy was, "We do not transport injured
7 people. We rendered aid -- we render aid per our
8 training, and contact the medic. We cannot render aid
9 while driving. There are civil liabilities. We risk
10 bodily fluid exposure."

11 Is that what you wrote?

12 A. That is an answer that I wrote that question,
13 yes.

14 Q. And also, when you were in the academy, you
15 said that you only looked at the General Orders that were
16 referenced in the materials that you had; correct?

17 A. That is what I said.

18 Q. And, in fact, in State's Exhibit 7, which is
19 the course materials for the vehicle procedure course you
20 took that was taught by Officer Bilheimer (phonetic) --

21 THE COURT: Identify for the record.

22 MR. SCHATZOW: Yeah. I'm sorry, Your Honor.
23 Exhibit 7, State's Exhibit 7 in evidence.

24 BY MR. SCHATZOW:

25 Q. On page marked 0013013, there's a reference

1 to -- there's an X next to reference documents. And on
2 the next page, under the reference materials, there's a
3 specific reference to K14; isn't there?

4 A. Yes.

5 Q. Now, finally, you said that what was ingrained
6 in you as a police officer was to protect life; isn't
7 that right?

8 A. That is true. That is ingrained in every
9 police officer.

10 Q. But at Stop 4 and Stop 5 on April 12th, 2015,
11 you did not protect Freddie Gray's life; did you?

12 A. Mister -- I'm sorry? Repeat that question.

13 Q. At Stops 4 and Stops 5 on April 12th, 2015, you
14 did not protect Freddie Gray's life; did you?

15 A. Untrue.

16 MR. SCHATZOW: That's all I have, Your Honor.

17 THE COURT: Ladies and gentlemen, we'll take
18 our afternoon break.

19 Please do not discuss the testimony you've
20 heard, even among yourselves.

21 Please leave your notepads on the chair.

22 We'll take about 10-minute break.

23 All rise for the jury.

24 (Whereupon, the jury was excused from the
25 courtroom at 3:17 p.m.)

1 THE COURT: Everyone may be seated.

2 Take a 10 minute recess.

3 Counsel, approach for one -- don't -- don't
4 worry about it.

5 Actually, I just need -- let's do one of each.
6 Let's do one of each.

7 (Counsel approached the bench, and the
8 following ensued:)

9 THE COURT: Does he have any voice left?

10 MR. MURTHA: He does.

11 THE COURT: Okay. All right. Just checking to
12 see if he had a voice.

13 MR. MURTHA: Yes, Your Honor.

14 THE COURT: You don't know how long he's going
15 to be?

16 MR. MURTHA: I don't think it's going to be
17 really long. We're sending for our next witness.

18 THE COURT: Okay.

19 MR. MURTHA: Just to have him around.

20 THE COURT: Good enough. Okay.

21 MR. MURTHA: Thank you.

22 THE COURT: Thank you.

23 (Counsel returned to the trial table, and the
24 following ensued:)

25 (Whereupon, a brief recess was taken at 3:18

1 p.m., and the matter resumed at 3:42 p.m.)

2 (At 3:42 p.m., a bench conference was held, but
3 remains untranscribed herein, and the testimony resumed
4 as follows at 3:46 p.m.)

5 THE COURT: You may remind the witness.

6 THE CLERK: Just reminding you you're still
7 under oath.

8 State your name for the record.

9 THE WITNESS: William Porter.

10 THE COURT: You may proceed with redirect.

11 REDIRECT EXAMINATION

12 BY MR. PROCTOR:

13 Q. Officer Porter, let's finish -- let's start
14 where Mr. Schatzow finished. His last question to you
15 was at Stops 4 and 5, you failed to protect Mr. Gray's
16 life, and you said that was untrue.

17 A. That is untrue.

18 Q. Why is it untrue?

19 A. It's untrue because Freddie Gray wasn't injured
20 at Stop 4 or 5. It's just that simple.

21 Q. And if he had been, what would you have done?

22 A. Had he been injured, I would have called for a
23 medic.

24 Q. Now, right before that, Mr. Schatzow showed you
25 a State exhibit, I think it was 9; do you remember that,

1 sir?

2 A. Yes.

3 Q. And this answer you wrote?

4 A. Yes.

5 Q. Was that test an open book test?

6 A. It was an open book test, yes.

7 Q. So when you wrote, "We don't transport injured
8 people," where did you get that information from?

9 A. Probably the EVOC manual. I don't recall.

10 Q. You just copied it?

11 A. Yes.

12 Q. Right before that, he asked you about the
13 position at the Western District; do you remember those
14 questions?

15 A. I do.

16 Q. And on --

17 MR. PROCTOR: Counsel, page 62.

18 BY MR. PROCTOR:

19 Q. And he pointed out you said Mr. Gray was in the
20 same position; do you see that?

21 A. Yes, I see that.

22 THE COURT: Well, what is the page and line, so
23 the State has --

24 MR. PROCTOR: Page 62, line 8.

25 BY MR. PROCTOR:

1 Q. Do you see that, sir?

2 A. I do see that, yes.

3 Q. What did you say right after that?

4 A. "I pulled him back, kind of. He went limp.
5 Like completely limp."

6 Q. So if Mr. Schatzow had read on a little
7 further, you would have described how he was different;
8 right?

9 A. Yes, sir.

10 MR. SCHATZOW: Objection, Your Honor.

11 THE COURT: Overruled.

12 BY MR. PROCTOR:

13 Q. Do you remember the questions about why didn't
14 you use your radio to tell Goodson to go to the hospital?

15 A. I do remember those questions.

16 Q. What's the answer?

17 A. I can't tell Goodson to do anything. I'm not
18 Goodson's supervisor.

19 Q. And at those points, at Stop 4 and Stop 5, did
20 you see any emergent need?

21 A. No. I didn't see any need for the medic for
22 Mr. Gray.

23 Q. Did you tell the wagon to go anywhere that day?

24 A. No. I suggested for Officer Goodson to just go
25 to the hospital so he doesn't waste time, you know.

1 We're about efficiency.

2 Q. Now, Mr. Schatzow talked about following the
3 wagon to the Western; do you remember those questions?

4 A. I do.

5 Q. What is your understanding -- when you were
6 told to follow what did you think it meant?

7 A. Just to meet the Western -- I'm sorry, meet the
8 wagon at the station.

9 Q. Does it mean to keep eyes on the wagon at all
10 times?

11 A. No.

12 MR. SCHATZOW: Objection.

13 THE COURT: Sustained. Leading. Strike the
14 question and the answer.

15 BY MR. PROCTOR:

16 Q. What did you believe your obligation was with
17 regard to following the wagon?

18 A. Well, up on North Avenue, I continued to talk
19 to the sergeant, and she was directing me to do things.
20 And then after I'd gone to the District, I was to follow
21 that wagon to -- to a hospital, Bon Secours,
22 specifically.

23 Q. Okay.

24 MR. SCHATZOW: I move to strike as non-
25 responsive, Your Honor.

1 THE COURT: Overruled.

2 BY MR. PROCTOR:

3 Q. So when you were asked questions about coming
4 behind 91; do you remember those questions?

5 A. I do, yes.

6 Q. Describe your journey between Stop 5 and Stop
7 6.

8 A. Well, when I say I'm going behind 91 is because
9 91 answered up right before me. So I was right behind
10 him, and physically I was right behind where the wagon
11 was when I had answered that question.

12 Q. Okay. And who gets to North Avenue first?

13 A. I get to North Avenue first.

14 Q. And how did you get there before the wagon?

15 A. I don't remember the direct route that I took,
16 but -- I -- I drove faster than the wagon did to get
17 there.

18 Q. Do you remember the question Mr. Schatzow asked
19 you about you didn't say you were concerned about your
20 gun; do you remember those questions?

21 A. Somewhat, yes.

22 Q. Is there ever a time when you're not concerned
23 about your gun?

24 A. No. Basically, any time I'm talking to any
25 citizen, any police officer, or anytime, there's always a

1 gun involved because I bring the gun there. So I'm
2 always concerned about my gun on my hip.

3 Q. Now, Mr. Schatzow showed you Exhibit 5; do you
4 remember that? Let me show it to you.

5 A. I do remember that, yes.

6 Q. And what is it?

7 A. It just says -- I don't know. It says the
8 below listed benefits of Interior General Orders and
9 Police Commissioner's memorandums pertaining to sworn
10 police personnel of this agency has been -- have been
11 provided to," and I wrote my name.

12 Q. Okay. What's the date on that, sir?

13 A. July 23, 2012.

14 Q. What date did you start at the academy?

15 A. I don't remember specifically, but it was in --
16 it was either in late August or early September.

17 Q. Of which year?

18 A. Of 2012.

19 Q. So you signed that document before you even
20 entered the academy?

21 A. A few months before I entered the -- the
22 academy.

23 Q. You said, when Mr. Schatzow asked you a
24 question about stop snitching, that you were offended by
25 that; do you remember?

1 A. Absolutely. Absolutely was offended by that.
2 Some prosecution --

3 THE COURT: No question.

4 BY MR. PROCTOR:

5 Q. Why were you offended by that?

6 A. I was offended by that because the prosecution
7 works directly with police officers. So why would he --
8 why would he ever say that the police officers lie?
9 That's a contradictory on himself.

10 Q. Have you ever covered up for another police
11 officer?

12 A. Absolutely not. I would never do that.

13 Q. You remember saying to Mr. Schatzow that you
14 were -- may I explain 10 codes? Why don't you explain
15 them now. What's a 10 code?

16 A. A 10 code is just a short version -- we just --
17 just so -- for efficiency we use 10 codes to -- just so
18 we can communicate with others efficiently.

19 Q. When did you first become aware that anyone was
20 saying that Mr. Gray's neck was broken by Stop 4?

21 A. I'm sorry?

22 Q. You're aware that Dr. Allan believes by Stop 4
23 that Mr. Gray's neck was broken?

24 A. Yes.

25 Q. My question is when did you first become aware

1 of that?

2 A. During this court trial.

3 Q. So when you were questioned back on April 17th,
4 were you aware that it was believed that Mr. Gray's neck
5 would have been broken at Stop 4?

6 A. No. I -- we didn't -- we didn't know where his
7 neck had been broken.

8 Q. So when you're being asked questions by
9 Detective Teel and others, and Mr. Schatzow asked you --
10 do you remember the questions about is this the first
11 time you ever said he used his legs?

12 A. Yes, I do remember those questions.

13 Q. Were you aware that it might be significant at
14 that point whether he used his legs or not?

15 A. I was not aware that that would have made any
16 significance.

17 Q. Mr. Schatzow said you never said that you
18 helped him onto the bench; do you remember those
19 questions?

20 A. I do remember that, yes.

21 Q. Did you ever say you lifted and carried him?

22 A. I never said that either.

23 Q. Do you remember the questions about you told
24 Brandon Ross to go to the media?

25 A. I do remember that, yes.

1 Q. What did Brandon Ross say to you to make you
2 say that?

3 A. He just said he's got it on tape. He's got it
4 on camera. He recorded the entire thing.

5 Q. So why did you tell him to go to the media?

6 A. Because he had a -- he said he had a recording
7 of what happened there.

8 Q. Remember Mr. Schatzow asked you if Lieutenant
9 Rice was as close from me to you, and he stood about here
10 in terms of those questions?

11 A. I do remember, yes.

12 Q. Mr. Schatzow have a bicycle helmet on when he
13 asked you that?

14 A. He did not, no.

15 Q. Did he have two similar people standing next to
16 you when he asked you that?

17 A. He was standing alone.

18 Q. At Stop 2, what was your primary focus on, sir?

19 A. Just crowd control. I could hear the crowd. I
20 mean, from the video, you can hear Brandon Ross yelling
21 pretty loudly and saying obscenities. And so my focus
22 was on the crowd more so than the detainee.

23 Q. Why were you not concerned about the detainee?

24 A. There were -- he was -- there were three
25 officers, and there was one detainee.

1 Q. When and how did you learn that it was
2 Lieutenant Rice lifting him in?

3 A. I believe Detective Anderson told me on --
4 on -- in my -- during the interview.

5 Q. When was the first time you learned -- wait a
6 second. I'm showing you what's been marked for
7 identification as State's Exhibit 31. Did you see that,
8 sir?

9 A. Yes.

10 Q. And you've seen that before; right?

11 A. I have, yes.

12 Q. And that report says that Mr. Gray -- well, the
13 State believes that report says that Mr. Gray told you he
14 couldn't breathe at Stop 4; is that correct?

15 A. That is correct.

16 Q. When was the first time you learned that
17 Detective Teel attributed to you that the can't breathe
18 was at Stop 4?

19 A. During motion hearing.

20 Q. So when you're being asked questions on a April
21 15th, do you have any knowledge of what Detective Teel
22 believed your conversation concerned a few days earlier?

23 A. I'm sorry. Can you re --

24 MR. SCHATZOW: Objection, Your Honor.

25 THE COURT: Overruled.

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BY MR. PROCTOR:

Q. When you're talking to Detective Teel on video

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A. Mmm-hmm.

Q. -- do you know the contents of that report?

A. No, I do not. No.

Q. Do you know that she wrote down that you said Mr. Gray couldn't breathe at Stop 4?

A. No, I didn't know that. No.

Q. Did you know there was any discrepancy to clear up?

A. No, I did not know there was any discrepancy to clear up. No.

Q. And let's talk a little bit more about that report. Where does Detective Teel say that conversation occurred?

A. It says Dolphin and Baker Street.

Q. And again, do Dolphin and Baker Street ever meet?

A. They do not.

Q. How does Detective Teel spell Mr. Gray's last name?

A. From the report here in front of me it says G-r-e-y.

Q. So she got the location wrong; right?

1 A. Yes. That's what's on the paper, yes.

2 Q. And she got Mr. Gray's last name wrong?

3 MR. SCHATZOW: Objection, Your Honor.

4 THE COURT: Sustained. Strike the question.

5 BY MR. PROCTOR:

6 Q. In the course of preparing this case, you've

7 met with Mr. Murtha and I; have you not?

8 A. I have, yes.

9 Q. And one of the things, State's Exhibit 11, we

10 asked you to look at and discuss with us, Policy 1114;

11 isn't it?

12 A. Yes. This is Policy 1114.

13 Q. So when you talked about two hours at the

14 hospital; do you remember those questions?

15 A. Yes, I do remember those questions.

16 Q. Did you read that while preparing for

17 testifying?

18 MR. SCHATZOW: Objection, Your Honor.

19 THE COURT: Overruled.

20 THE WITNESS: Yes, I did, yes.

21 BY MR. PROCTOR:

22 Q. On April 12th --

23 THE COURT: Actually, sustained, as to form.

24 MR. PROCTOR: Okay.

25 THE COURT: I switch people around sometimes.

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BY MR. PROCTOR:

Q. Let me see if I can -- were you aware --

THE COURT: Mr. Proctor, hold on one second.

MR. PROCTOR: Sorry, Judge.

THE COURT: Counsel, approach, while my sheriffs do what they need to do. I just need a moment with Counsel.

(Counsel approached the bench, and the following ensued:)

MR. SCHATZOW: Oh geez. Don't let it be the blind man. Please, Lord Jesus, don't let it be the blind man. Don't let it be the blind man.

MR. MURTHA: It is.

MS. BLEDSOE: Who is it?

MR. SCHATZOW: Please don't let it be the blind man. Please, Father, don't let it be the blind man.

MS. BLEDSOE: Who is it? It is. It is. It is.

MR. SCHATZOW: Oh, geez. Oh, geez. Really? Seriously?

MS. BLEDSOE: Yes. It is.

THE COURT: Well, pray that I did not scream. I didn't scream.

MS. BLEDSOE: Don't scream.

THE COURT: I'm not. I'm not. I'm not. I'm

1 not. But, really, of all people, seriously? It had to
2 be the blind man. This is like, oh Lord, help me. Now I
3 look like the scrooge, the ogre, the wrong person.

4 MS. BLEDSOE: It's okay.

5 THE COURT: Did they walk him out?

6 MR. PROCTOR: He's almost there, 10 steps from
7 the door.

8 THE COURT: Don't look. Don't look. Don't
9 look. Don't look. Don't look.

10 MS. BLEDSOE: Are we all good?

11 THE COURT: See. Now I look all bad and
12 everything, oh, Jesus.

13 MS. BLEDSOE: Take a deep breath.

14 THE COURT: Go get out, and bring him back in.
15 And they're going to stay up here with me. They got --
16 if I've got to go through this, they've got to go
17 through. Hook it up. Thanks.

18 MR. PROCTOR: Just put him next door.

19 THE COURT: See? See?

20 MS. BLEDSOE: Nice.

21 THE COURT: See? Right, right. See?

22 THE COURT: See.

23 MS. BLEDSOE: That's really nice.

24 MR. PROCTOR: Motion to reconsider.

25 THE COURT: See? I know. Motion to

1 reconsider; right.

2 MS. BLEDSOE: Kicked him out of the courtroom.
3 Keep the evidence away.

4 THE COURT: I know. I know. I know. But,
5 notice, you've got to give me credit. Because what I was
6 about to do is just scream and say, I told -- but I
7 didn't.

8 MS. BLEDSOE: I know. That was good. There
9 was something there.

10 THE COURT: There was something. There was
11 something that said just bring it down a little bit. I
12 have you all as my shields.

13 MS. BLEDSOE: That counting works.

14 THE COURT: It does.

15 MS. BLEDSOE: It does.

16 THE COURT: It really does.

17 Are you almost done?

18 MR. PROCTOR: I have about two questions left.

19 THE COURT: Okay.

20 MR. SCHATZOW: I have about four.

21 THE COURT: That's fine.

22 And then what do you have after? Do you have a
23 witness in the hallway?

24 MR. MURTHA: Yes, right outside.

25 THE COURT: Okay.

1 MR. SCHATZOW: Is Novak next?

2 MR. MURTHA: Yes.

3 MR. SCHATZOW: It's still Novak next.

4 THE COURT: Is he back in yet? Okay.

5 MS. BLEDSOE: I'm not going to look. So --

6 THE COURT: No, you're not. He's at the edge,
7 so that's his job.

8 MS. BLEDSOE: Right. Nice.

9 THE COURT: Well, thank you. And you want to
10 make me feel any worse? Okay. So now that we're up here
11 and we're waiting for him, here's a quick story.

12 I'm young on the bench. I don't really care
13 about people standing up or sitting down when I come out,
14 but my sheriff is a stickler. No. When you come out,
15 they have to stand up. Blah, blah, blah.

16 Okay. So, fine, so finally I get used to it.
17 I come out. Everyone is standing. Everyone except one
18 person. Me, the man who doesn't care. Sir, stand up. I
19 see the sheriff going like this.

20 (Laughter.)

21 THE COURT: And I'm, like, he is blind and
22 deaf. Oh, Lord, now what else is going on.

23 MR. PROCTOR: Someone else is talking out loud,
24 Judge.

25 MS. BLEDSOE: Well, at least he wasn't

1 paralyzed.

2 MR. PROCTOR: Judge, do you want to consider
3 sending the jury out. Someone else is mouthing off. I
4 can hear them over the husher.

5 THE COURT: Yeah, it will be all right. Well,
6 we've got one coming in. We're taking one out, so it's a
7 one for one. It's a one for one.

8 MR. MURTHA: I'm less sympathetic to that guy
9 being escorted out.

10 THE COURT: Right. Oh, so you want to go
11 there? You want to put the cane on me? Okay, fine,
12 thanks. Because I wanted to take a break now, but I want
13 to like --

14 MR. PROCTOR: If he hits you with that cane,
15 Judge, we'll prosecute him.

16 THE COURT: Well, I know him well, actually. I
17 see him all the time. (Inaudible at 4:02:45 p.m.)
18 resolve that issue.

19 THE COURT: I guess he's sitting right here.
20 Do I need to take a break? Cause here's the thing. They
21 don't know whose side that person is on, so it doesn't
22 matter.

23 THE COURT: Well, I know well, actually. I see
24 him all the time. That resolves that issue.

25 MR. MURTHA: Maybe we should take a break

1 because it looks like he's --

2 MS. BLEDSOE: Yeah, let's take a break.

3 (Counsel returned to the trial table, and the
4 following ensued:)

5 THE COURT: Ladies and gentlemen, we're going
6 to take a break.

7 Put your notepads --

8 Go that way now.

9 THE CLERK: All rise.

10 (Whereupon, the jury was excused from the
11 courtroom at 4:03 p.m.)

12 MR. SCHATZOW: We don't need to --

13 THE COURT: No. I need you all for second.

14 MR. SCHATZOW: Oh, you do?

15 THE COURT: Yes. Because there's no reason for
16 you all to be involved in that.

17 Once he's out, everyone remain in the courtroom
18 until the sheriff tells you can leave the courtroom for
19 the moment.

20 (Counsel approached the bench, and the
21 following ensued:)

22 THE COURT: (Inaudible at 4:04:12 p.m.) hadn't
23 caused the issue. I would have had time for that. Hang
24 on one second.

25 Darlene, go tell them that I'm not letting

1 anyone out until the sheriff will let people out. Tell
2 the sheriffs that I'm not letting anyone out until the
3 sheriff allows it. Go tell them that.

4 MR. SCHATZOW: Judge, this case has moved.

5 THE COURT: Oh, no, it has. No, no. I'm just
6 saying --

7 I'm going to leave -- I'm leaving the white
8 noise on so don't leave. Someone has to share my pain.
9 It may as well be you all.

10 (Laughter.)

11 THE COURT: Well, because see, if the white
12 noise is on, then we're talking about something, and it
13 gives a reason for them to stay. If I leave, then they
14 want to run out.

15 MS. BLEDSOE: I understand. I understand.

16 THE COURT: I think it was -- just so that you
17 know, I think he was saying something, I'm family, but
18 anyone, you know, that's North Carolina. I got that.
19 That's what I'm saying. But I think that's what he was
20 saying.

21 MS. BLEDSOE: Because I immediately identified
22 the family and --

23 THE COURT: Right.

24 MS. BLEDSOE: -- I was like it's not.

25 THE COURT: Yeah.

1 MS. BLEDSOE: Okay?

2 THE COURT: Yeah. I understand.

3 MS. BLEDSOE: I don't know --

4 THE COURT: All right. So who's next, just out
5 of curiosity?

6 MR. PROCTOR: Another police officer.

7 THE COURT: Another police officer.

8 MR. MURTHA: I think -- I think in assessing
9 it, we probably are going to carry over to Friday.

10 THE COURT: Okay. That's fine.

11 MR. PROCTOR: We'll be done Friday. Definitely
12 Friday.

13 MR. MURTHA: We'll definitely be done Friday.

14 THE COURT: Okay. Then we can tell our jury
15 instructions on Friday. I'm actually going over some of
16 them now. Not now. But I'd like to go over them now,
17 but I have to actually listen to you all, so.

18 (Brief pause.)

19 THE COURT: Okay. So can they leave the
20 courtroom now?

21 THE SHERIFF: Yes. They can.

22 THE COURT: Five minute recess, ladies and
23 gentlemen. You may leave the courtroom if you so desire.

24 (Whereupon, a brief recess was taken at 4:06
25 p.m., and the matter resumed at 4:17 p.m.)

1 THE COURT: All right. Thank you.
2 Everyone may be seated.
3 You may remind the witness.
4 THE CLERK: You may be seated.
5 Just reminding you you're still under oath.
6 State your name for the record.
7 THE WITNESS: William Porter.
8 THE COURT: You may proceed.

9 DIRECT EXAMINATION (Continued)

10 BY MR. PROCTOR:

11 Q. Officer Porter, do you remember the questions
12 Mr. Schatzow asked you about working at the computer
13 company?

14 A. Yes.

15 Q. Back on April 12th, did you know whether or not
16 you were able to check your BPD emails remotely?

17 A. No, I did not know that. No.

18 MR. PROCTOR: That's all I have.

19 THE COURT: Recross based on redirect?

20 MR. SCHATZOW: Yes, Your Honor.

21 Your Honor, based on the redirect, we would
22 offer into evidence Exhibit 31, which was read to the
23 jury -- was read from during his redirect examination.

24 THE COURT: Any objection.

25 MR. PROCTOR: Object. Still object.

1 MR. MURTHA: Can I just see?

2 THE COURT: Yes.

3 Objection sustained.

4 MR. MURTHA: Thank you.

5 REXCROSS-EXAMINATION

6 BY MR. SCHATZOW:

7 Q. You were furnished the flash drive before you
8 went to the academy?

9 A. I'm sorry?

10 Q. You were furnished the flash drive before you
11 went to the academy?

12 A. No, sir. No, sir.

13 Q. Didn't -- didn't you just say that you had
14 signed the receipt for it two months before you entered
15 the academy?

16 A. No. I signed the receipt for various things,
17 including the General Orders. But I hadn't received that
18 until I was in the academy.

19 Q. Are you saying you signed the receipt before
20 you got to the academy, but you got the materials when
21 you got to the academy; is that your testimony?

22 A. That is what I'm saying, yes.

23 Q. Okay. When you were asked questions about
24 whether you were concerned about Mr. Gray at Baker and
25 Mount; you remember your lawyer asking those questions?

1 A. I don't remember him asking me about Baker and
2 Mount specifically.

3 Q. You don't remember him asking you about why you
4 weren't concerned because it having something to do with
5 other officers being present?

6 A. Oh, yes. Yes, I remember that.

7 Q. Well, when you walked up to the back of the
8 wagon at Baker and Mount, and you saw Mr. Gray with his
9 hands cuffed behind his back and his legs shackled, being
10 put into the van, on the floor of the van, did you say to
11 any of the other officers there, isn't there a better way
12 to transport him than like an animal on the ground?

13 MR. MURTHA: Objection.

14 THE COURT: Sustained. Strike the question as
15 inappropriate.

16 BY MR. SCHATZOW:

17 Q. When you were interviewed by Detectives Teel
18 and Anderson on April 17th of 2015, you were aware that
19 Mr. Gray had suffered a broken neck; weren't you?

20 A. I was aware, yes.

21 Q. And then, finally, you were asked some
22 questions about whether -- what -- about what you had
23 told the officers on April 17th about whether Mr. Gray
24 was in the same position at Stop 5 -- in Stop 6 as he was
25 in Stop 5. And I think you were asked about the upper

1 part of page 62. I'm going to ask you about the bottom
2 of it.

3 You're the one who opened the door on the side
4 that Mr. Gray was on at -- at the Western District;
5 right?

6 A. That is true, yes.

7 Q. Okay.

8 MR. PROCTOR: I would object.

9 MR. SCHATZOW: And --

10 THE COURT: Overruled.

11 BY MR. SCHATZOW:

12 Q. Your lawyer pointed you to some language here
13 on page 62, at about line 12. But at line 24, isn't it a
14 fact that Detective Anderson said to you, "Okay. But
15 when you opened the wagon, he was still in that same
16 position?"

17 And your answer was, "Yeah. He was still";
18 right? That's what you told him.

19 A. And that he -- he interjects me --

20 Q. And then he said, "Did you call his name?"

21 And you say, "Yeah."

22 But there's nothing else here about the
23 position. You said he was still in the same position;
24 correct?

25 A. But he, as you read right here, it says he

1 interjected me. That's what that says.

2 Q. Yeah. Did you say, "Yeah"?

3 A. I said yes, but I was interjected. Like you
4 just cut me off, he cut me off also.

5 (Laughter.)

6 A. That's what happened, sir.

7 Q. He -- he --

8 THE COURT: Quiet, ladies and gentlemen.

9 MR. SCHATZOW: Never mind, Your Honor. That's
10 all I have for Officer --

11 THE COURT: Next witness.

12 MR. PROCTOR: Very limited area, a couple
13 questions.

14 THE COURT: Oh no.

15 MR. PROCTOR: That's all I have.

16 THE COURT: It works for both sides.

17 You may step down.

18 (End of Excerpt - Testimony of William Porter
19 concluded at 4:22 p.m.)

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REPORTER'S CERTIFICATE

I, Patricia A. Trikeriotis, Chief Court Reporter of the Circuit Court for Baltimore City, do hereby certify that the proceedings in the matter of State of Maryland vs. William Porter, Case Number 115141037, on December 9, 2015, before the Honorable Barry G. Williams, Associate Judge, were duly recorded by means of digital recording.

I further certify that the page numbers 1 through 178 constitute the official transcript of an excerpt of the proceedings as transcribed by me or under my direction from the digital recording to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have affixed my signature this 4th day of January, 2016.

Patricia Trikeriotis

Patricia A. Trikeriotis
Chief Court Reporter