

1 Colby is going to swear you in and then we'll hear from  
2 the attorneys in their opening statement and then leap  
3 immediately into the trial itself. Alrighty.

4 Mr. Clerk.

5 THE CLERK: Members of the jury, please stand  
6 and raise your right hand.

7 (Whereupon, the jury was duly sworn.)

8 THE COURT: All right. In the order in which  
9 the attorneys give their opening statements and at the  
10 end their closing arguments is based on who has the  
11 burden of proof. In this case, the burden of proof by a  
12 preponderance of the evidence is on the Plaintiffs.  
13 They're the ones suing the Defendants. So they get an  
14 opportunity to talk to you first and at the end of the  
15 trial they'll have an opportunity to talk to you last but  
16 more about that later.

17 With that being said, are the Plaintiffs ready  
18 with an opening statement?

19 MR. HANSEL: Yes, Your Honor. Thank you.

20 THE COURT: Thank you.

21 OPENING STATEMENT ON BEHALF OF THE PLAINTIFFS

22 MR. HANSEL: Good afternoon. Ladies of the  
23 jury, I want to thank you for your time here today. What  
24 we're about today is something that's very important not  
25 just to my client, Daquan Wallace, not just to his

1 mother, Nicole Wallace, not just to myself. My name is  
2 Cary Hansel or to Mr. Greenberg, my co-counsel, Larry  
3 Greenberg. But we're here today about something that's  
4 important to all of us about ultimately our fundamental  
5 constitutional rights, those rights that protect each and  
6 every person in this room in this state and ultimately in  
7 this country from misconduct overreached by the  
8 government. Thomas Jefferson said many hundreds of years  
9 ago quite well when he said that "the jury, you, are the  
10 strongest anchor yet imagined to tie the government to  
11 the principles of its constitution". And whenever I have  
12 the privilege of standing in front of a jury and talking  
13 to people like yourselves I think about that quote and I  
14 imagine the weight of that burden that you and I together  
15 carry that it is our job to tie the Government to the  
16 principles of its constitution. And it's an amazing  
17 thing. It's an incredible part of this democracy. And I  
18 know when you were sitting out there earlier you were  
19 probably praying not to end up where you are now and I  
20 understand that, I do, but I want to ask you to look at  
21 with fresh eyes today as you sit here, look at with fresh  
22 eyes when you think about this case. And when you think  
23 about this really historic role that you're here to play  
24 to sit in judgment of your Government. There couldn't be  
25 a higher democratic duty. There couldn't be a higher

1 calling for those of us who are privileged to live in a  
2 free society. And so when Jefferson said "you're here to  
3 tie the Government to its constitution" you are the last  
4 straw, the last links in a chain that might make sure all  
5 of our rights are protected, not just Daquan's, not just  
6 his mother's, but the rights of all of us. And so I want  
7 to thank you for your time here today and I want to  
8 stress to you the importance of that goal. I want to let  
9 you know that I'm here and everyone's here to help you  
10 reach that goal together. I want to thank you for your  
11 time and attention. It's not going to be a brief case.  
12 It's not going to be an easy case. But I think at the  
13 end your decision will be easy.

14 I want to tell you a little bit about what the  
15 evidence in this case will show. I've said it's my great  
16 privilege to represent Daquan Wallace. He's seated here  
17 to my right and his mother, Nicole Wallace who is seated  
18 behind him.

19 In 2014 -- and I'll tell you the wheels of  
20 justice and the art of justice turned slowly but  
21 hopefully, in the right direction.

22 In 2014, Mr. Wallace was obviously a young  
23 Black man. He was living in Baltimore. He was at that  
24 time healthy and able bodied. He was 20 years old about,  
25 liked to play basketball and sports and do other things

1 that healthy young men like to do, maybe take a girl out  
2 every once in awhile and he had really his whole life in  
3 front of him and all of the privileges and honors that  
4 those of us who have our health have and those things  
5 were stripped away from him in many ways by the events  
6 I'm about to describe to you.

7 He was arrested by Baltimore City police  
8 officers. He was taken to Baltimore City Detention  
9 Center which is now closed. He was housed there in  
10 Pretrial Detention.

11 So Mr. Wallace was then and is now innocent of  
12 any charges that put him in the hands of the State. We  
13 all again, I've said this case is about all of our  
14 constitutional rights. We all move through society with  
15 the protection of being innocent until proven guilty.

16 Mr. Wallace was arrested. He was there on  
17 Pretrial Detention meaning, he hadn't had a trial. No  
18 one had found him guilty. And to this day all of those  
19 charges were dropped, so he's never been found guilty of  
20 anything that brought him in connection with the State  
21 during these events.

22 He was housed at the Baltimore City Detention  
23 Center in a building called the J.I. or Jail Industries  
24 building. As you might imagine, a facility like this  
25 that houses some very dangerous people and some not so

1 dangerous people has a variety of places where they can  
2 be housed. The J.I. Building was one of the safer places  
3 to be. It's a dormitory style. It was preferable to  
4 prisoners because they have a little bit more freedom of  
5 movement instead of being stuck in a cell, you were more  
6 like in a little bit of a group dormitory setting and Mr.  
7 Wallace was originally assigned to that seg.

8 And when he was there there were some  
9 corrections officer he came into contact with who are  
10 going to be witnesses in this case. One is a Lieutenant  
11 Tamara Patterson. She was the lieutenant who oversaw  
12 that building, the J.I. Building.

13 Another one is a Sergeant Lisa Portee. She was  
14 one of the sergeants at that J.I. Building. Another one  
15 was a Sergeant Jackens Renee. The name is a little  
16 unusual. He happens to be a male. Jackens is a male who  
17 again, was one of the sergeants initially at the J.I.  
18 Building in connection with Mr. Wallace's stay.

19 Mr. Wallace is a slight built man. He was  
20 weighing about 130 pounds, 20 years of age when he was  
21 incarcerated. Because he was incarcerated and his family  
22 couldn't afford bail for Pretrial he was lumped in with  
23 some characters who were larger than him and did not have  
24 as sunny a disposition.

25 Mr. Wallace was subject to some pretty

1 difficult interactions with these people. They included  
2 beatings and fights and he did the best as a smaller  
3 framed man that he could to protect himself.

4 When these things happen Mr. Wallace would  
5 bring them up. He would call his mother on the phone and  
6 you'll hear tape recordings of those conversations where  
7 he calls and says "Mom, they beat me up. I'm bleeding.  
8 I'm cut." That kind of thing.

9 He appeared in a courtroom like this as part of  
10 his proceeding and the State concedes and we'll have a  
11 concession read into evidence at the appropriate time  
12 that when he stood in the courtroom he had visible marks  
13 on him from being beaten. So he was being subjected to a  
14 course of abuse by over larger, stronger, more seasoned  
15 criminals.

16 And during that period of time his mom did  
17 everything she could like a mother might called, begged,  
18 pleaded, but didn't have the money to get him out but did  
19 what she could to try to swage the situation.

20 One of the people she talked to is going to  
21 take the stand in a few minutes, Lieutenant Tamara  
22 Patterson. Mom called and Nicole said to Lieutenant  
23 Patterson "You know, my son's worried about his health  
24 and safety. He's being beaten."

25 Patterson has him in and takes a look at him

1 and his face she'll tell you was black and blue even at  
2 that moment when she had him in to take a look at him and  
3 mom kept calling and did, as I said, what any mother  
4 would do, followed up, and called.

5 And I think eventually probably what happened  
6 is the people at the jail got tired of it, got angry, got  
7 mad. I think they also got mad because they'll tell you  
8 that Mr. Wallace didn't want to do what they asked him to  
9 do. They'll say maybe I don't know he stood up for  
10 himself.

11 But for whatever reason certain officers in  
12 this facility and they're not all bad, but certain  
13 officers in this facility decided to exact revenge on Mr.  
14 Wallace to put him in the condition that you see him in  
15 today. And so they designed a plan. And the way this  
16 worked was the three officers I mentioned, Patterson,  
17 Portee and Renee, were here at the J.I. Building and they  
18 wanted to do something to Mr. Wallace.

19 So the first thing they did was they falsely  
20 charged him and they falsely charged Mr. Wallace with  
21 "Extorting other individuals for commissary and phone  
22 privileges." I'm sorry. "Detainees." So they charged  
23 Mr. Wallace with extorting other people.

24 Now, the person who wrote this charge is  
25 Sergeant Portee. The person who signed off at least in

1 one spot is Lieutenant Tamara Patterson.

2 Sergeant Portee and Lieutenant Tamara Patterson  
3 themselves are going to take the witness stand behind me  
4 and tell you that Mr. Wallace did not do these things.  
5 They will admit to you in this courtroom that these  
6 things did not happen, that he did not extort other  
7 inmates. These, ladies of the jury, are lies. There's a  
8 reason they told these lies.

9 They told these lies so that Mr. Wallace could  
10 be transported from the dormitory setting which is safer  
11 where he was already having problems to what they call  
12 the Mens Detention Center in D.C. It's another building  
13 and facility and it is far more dangerous. It houses a  
14 higher level of security risk prisoner. Because of that  
15 the cells are instead of dormitory styles they're  
16 individual cells. That creates a significant risk to the  
17 inmate. It's the classic cell door with the jail cell in  
18 front of it.

19 So the plan was to transfer Mr. Wallace to a  
20 more dangerous setting even though he was already being  
21 beaten in the safer area. It was effected by simply  
22 coming up with lies. Again, they will take the stand and  
23 tell you those things didn't happen.

24 In addition to the fact that the transfer was  
25 designed based on a lie these would not be appropriate



1 grounds for a transfer to begin with. And again, I'm not  
2 here to tell you that. You will hear people from the  
3 jail tell you that.

4 You will hear some of the people involved in  
5 this transfer tell you these are not appropriate grounds  
6 for a transfer. As you might imagine and common sense  
7 would tell you if a prisoner was, in fact, extorting  
8 commissary and phone privileges from another prisoner  
9 there would be an investigation. That prisoner who was  
10 accused of doing it would be placed in segregation during  
11 the investigation.

12 So the appropriate response even if this lie  
13 was true, it isn't, and they will admit it isn't, the  
14 appropriate response would have been to put this man  
15 someplace he would have been safe, would have been to put  
16 him in segregation. In segregation it's just what it  
17 sounds like. Nobody can get to him. He wouldn't be in  
18 the condition he is today.

19 So first, this group of officers lied on the  
20 form. Second, they ignored procedure because they wanted  
21 him transferred to the more dangerous area to punish him  
22 and to punish his mother for speaking out because he was  
23 being beaten, because he wasn't being protected.

24 Third, they knew that these grounds wouldn't  
25 fly. So when they went to make the transfer they did not

1 get "shift commander approval." There's a blank line on  
2 the form.

3 They couldn't get shift commander approval  
4 because these are not appropriate grounds for a transfer.  
5 The form says right on it "Form void" in all capital  
6 letters "unless signed by a shift commander or operations  
7 captain where applicable." Those words are written below  
8 a blank signature line.

9 Every single officer who will testify in this  
10 case will tell you the transfer should not have taken  
11 place because it was not signed. Officers will tell you  
12 these would not be appropriate grounds for a transfer.  
13 Officers will tell you that the accepting officer down  
14 here should not have accepted Mr. Wallace into the more  
15 dangerous scenario.

16 Remember earlier I said that it was Officers  
17 Tamara Patterson. His name appears here. Lisa Portee,  
18 whose name appears here. And Jackens Renee, his name  
19 appears here who were with Mr. Wallace the morning before  
20 he was attacked.

21 When he was transferred on a form that never  
22 should have been accepted on false grounds, on false  
23 grounds that wouldn't have been appropriate to begin  
24 with, he was transferred and accepted by Officer Renee at  
25 the other building.

1           The way that was accomplished was Renee worked  
2 with Portee and Patterson at the J.I. Building in the  
3 morning and then moved to the other building in the  
4 afternoon to accept the prisoner, Mr. Wallace, who never  
5 should have been transferred on false grounds.

6           So the way these three were able to accomplish  
7 it is they were both the ones sending him out and then  
8 Renee was the one receiving him in. And so all of these  
9 checks and balances that are supposed to take place did  
10 not take place and they were defeated. That served an  
11 important role for the officers.

12           At the J.I. Building in the dormitory style  
13 arrangement there is a mechanism by which people are  
14 protected and that mechanism involves having multiple  
15 tier officers, multiple officers on the tier at the same  
16 time to protect individuals.

17           So if you're at the J.I. Building there are at  
18 least two officers at all times there so if someone were  
19 going to permit you to be attacked they both have to  
20 cooperate. Not so at MDC.

21           When these officers had Mr. Wallace on false  
22 grounds transferred in D.C. he was in the hands solely of  
23 Officer Renee, the man who also accepted the form that  
24 says right on that it's void without the appropriate  
25 approval.

1           Now, I'm not here to tell you about paperwork  
2 violation. That's the first part of the story. Mr.  
3 Wallace's roommate will tell you, in part, about the  
4 second part of the story.

5           Once Mr. Wallace was transferred over, he was  
6 processed for a time and then brought up to the tier that  
7 was overseen by Officer Renee. Once he got to that tier,  
8 his bunkmate is going to be man by the name of Beatty.  
9 He will testify in this case.

10           Mr. Wallace because of his traumatic brain  
11 injury does not have memory of some of these events,  
12 doesn't remember his attack. But Mr. Beatty, his  
13 cellmate, will tell you that what happened when Mr.  
14 Wallace came onto that tier was overseen only by Jackens  
15 Renee was that Mr. Beatty was excused out of the cell,  
16 was told to go to dinner early. This is somewhere around  
17 7:00, 7:30 in the evening in 2014. He's sent out early  
18 to go to dinner that is, after this transfer occurs.  
19 We're talking about December 18th of 2014.

20           With the cellmate out Mr. Wallace is placed in  
21 it. Now, there are some important things to understand  
22 before I tell you about the rest of the story about the  
23 procedures and policies for what happens during dinner.  
24 Okay. And you don't have to take my word for it because  
25 officers will explain that to you.

1           There will be an officer who comes in who is a  
2 very high ranking officer who will explain to you  
3 everybody on the tier goes to dinner, everybody. Nobody  
4 stands behind. To this very day, even though the  
5 institution has been closed, there is a sign still bolted  
6 to the wall that says "As of August 4th, 2014, MDC will  
7 no longer conduct feed up in specific housing units. All  
8 housing units except specialized housing will utilize the  
9 dining room for their daily meals. Detainees will no  
10 longer eat in their cells." That's as of August 18th,  
11 2014. These events happened some months later in  
12 December of 2014.

13           So written on the wall in case there's any  
14 question is a sign that says everybody goes to the dining  
15 hall except specialized units and this wasn't one of  
16 them.

17           You will hear officers explain to you that the  
18 policy at the time was everyone goes to the dining hall.  
19 Mr. Beatty will explain that Mr. Wallace was held back  
20 while his roommate was excused early.

21           Not only was Mr. Wallace held back but when we  
22 engage in litigation like this we ask for admissions,  
23 people to admit this or that, okay. The State answered  
24 some of our requests for admissions. These are the  
25 signatures of the two lawyers representing the State of

1 Maryland here.

2 One of the requests for admissions are "That  
3 inmates or detainees of Cells 3, 47 and 48 did not go to  
4 feed up on December 18, 2014." The State of Maryland  
5 admits that fact. "Officer Renee allowed the detainees  
6 of Cells 3, 47 and 48 not to go to feed up for dinner on  
7 December 18, 2014." The State of Maryland admits that  
8 fact. "There are no records confirming that Daquan  
9 Wallace was at feed up for dinner on December 18, 2014."  
10 The State of Maryland admits that fact.

11 During feed up and again, some of this is  
12 common sense, but during feed up even though those cells  
13 are empty they're supposed to remain closed and locked.  
14 Again, you don't have to take my word for it because the  
15 State of Maryland says "All cells are to remain closed  
16 and locked unless necessarily moving of detainee or  
17 inmate from the cell or to the cell." Response. "Admit."

18 So the misconduct in this case is virtually  
19 admitted. Mr. Wallace was held back. The other three  
20 cells were held back. And what happened then is that  
21 Officer Renee was the sole officer in that tier and in  
22 that area of the jail. Officer Renee was the sole person  
23 with the keys to those cells. He says at the beginning  
24 of dinner they were all locked. Mr. Wallace's cell was  
25 locked, the other cells were locked tight. Renee is

1 there during dinner. He's the only one with the key.  
2 When Mr. Beatty comes back he discovers Mr. Wallace  
3 severely traumatized suffering from unbelievable wounds  
4 in the cell. The attack obviously happens at dinner.

5 The cells immediately after Mr. Beatty comes  
6 back immediately after Mr. Wallace is discovered again,  
7 this is common sense, the whole thing is shut down,  
8 right. Everybody's in their cells. Everything's locked  
9 down. Nobody can move or do anything.

10 But what was later discovered was "that bloody  
11 clothes were found in Cells 47 and 48 after the December  
12 18, 2014 attack on Daquan Wallace." The State through  
13 its lawyers who are here today admits that fact. "47 and  
14 48 were two of the cells that Renee -- that Jackens Renee  
15 allowed to remain back.

16 So we have a situation in which the rules were  
17 violated to hold Mr. Wallace back. The rules were  
18 violated to hold Cells 47 and 48 back. Dinner began with  
19 all of those cells locked. Officer Renee was the only  
20 officer there and Officer Renee was the person with the  
21 key during the time that all those cells were supposed to  
22 be locked, during the time when everyone was supposed to  
23 have gone to dinner, after the fraudulent transfer that  
24 Officer Renee had participated in and signed off on, we  
25 know that the men from two, at least of the cells that

1 were held back attacked Daquan Wallace during a period of  
2 time when those cells were supposed to be locked. They  
3 weren't supposed to be there. Officer Renee was the only  
4 person there supervising and he was the only person who  
5 had the key.

6 How do we know they were the ones who did it?  
7 Because that's where the bloody clothes were recovered  
8 after the lockdown. Imagine the coincidence the State  
9 might have to explain to you how is it that the bloody  
10 clothes just happen to be found in the cells that were  
11 the only -- that were two of the only three that Renee  
12 held back against policy?

13 I gave Officer Renee a chance to explain  
14 himself. I took his deposition. It's a statement he  
15 gives under oath of me asking him questions. I'm going  
16 to bring him in here and have him explain himself to you.

17 When I asked him to explain himself Officer  
18 Renee had this to say. I asked him how the inmates from  
19 Cells 3, 47 and 48 or any combination -- 47 and 48 is  
20 where the bloody clothes were found could have possibly  
21 gotten to Daquan Wallace.

22 And his testimony was and will be "The only way  
23 they would come out if I let them out." The only way they  
24 came out is if he let them out. I said well, wait a  
25 minute. Wasn't Daquan's cell supposed to be locked? How



1 did they get in there? "I would have had to have  
2 unlocked Daquan's cell."

3 So when given a chance to explain how this  
4 possibly could have happened the explanation is "the only  
5 way they would have come out if I let them out. I would  
6 have had to have unlocked Daquan's cell."

7 If you think about these things, there's  
8 something that's dark that will come out. Daquan was  
9 only on that tier for a matter of minutes. He's  
10 downstairs being processed. They bring him up, open the  
11 door, send Beatty out, send him in and dinner begins and  
12 he's attacked during dinner when those cells were open.

13 What that tells us is this had to have been a  
14 set-up. This was not a situation where there's any  
15 allegation or evidence whatsoever that Daquan had any  
16 interaction with these inmates previously. There  
17 certainly wasn't time enough in the minutes between when  
18 he arrived on the tier and when he was attacked for him  
19 to have developed any kind of beef or argument or fight  
20 or anything else.

21 And if you consider that these officers went to  
22 extraordinary lengths, extraordinary lengths to make sure  
23 that he would be there, to take him from the facility  
24 where multiple guards would see what was happening, could  
25 protect him, could followup on what the State will tell

1 you is its duty to make sure he's safe.

2           When you think about the great lengths they  
3 went to, how Renee had to work at J.I. in the morning and  
4 then work a double shift and work at MDC to sign off on  
5 this form that never should have been accepted, how  
6 Portee and Patterson had to write something that they  
7 will tell you was false, that is a lie on this official  
8 document to make sure that Mr. Wallace was put into the  
9 hands of Renee in a situation where there will only be  
10 one officer supervising him, that one officer who had the  
11 keys at a period of time when these inmates are held  
12 back.

13           So what we see is a cascade of evidence that  
14 shows that ultimately when Mr. Wallace complained, when  
15 his mom complained, when they asked the State to follow  
16 through with its duty to protect him this is what  
17 happened and this was the way in which these officers  
18 effected their revenge.

19           The State in this scenario bears a sacred duty  
20 to the people in its charge and it is a higher duty in  
21 the case of someone like Mr. Wallace who like all of us  
22 sitting here today has the presumption of innocence.  
23 Ultimately, he was never convicted. That duty is to  
24 protect people and it's simple logic that you're not able  
25 to protect yourself. It isn't up to Mr. Wallace where he

1 moved in the jail. He couldn't say I want to stay at  
2 J.I. It's safer. I don't want to go to MDC. When they  
3 sent his roommate out he couldn't say well, wait. I want  
4 to go -- I want to go dinner too. I don't want to be in  
5 here alone. When the other inmates were let out by Renee  
6 and he's behind a jail cell watching them cross over to  
7 his side with the officer coming with the keys he has  
8 nowhere to go and there's nothing he can do to protect  
9 himself.

10 When that jail cell was opened and you will  
11 hear one of the facilities managers say "The only way it  
12 could be opened is if a physical key is inserted right  
13 there at the jail cell." When that jail cell is opened  
14 Mr. Wallace isn't able to do anything about it. It is  
15 the State that bears that burden to protect everyone that  
16 is in its care and in this case, Mr. Wallace.

17 You will hear evidence that as I've said before  
18 when Mr. Wallace when he went to the State, when he found  
19 himself under what was supposed to be the State's  
20 protection was a healthy young man. This was in 2014.  
21 For five years Mr. Wallace has been as you've seen him  
22 here today.

23 He spent the first month or two after the  
24 beating in a coma in a hospital with 24-hour care. He  
25 spent weeks and months after that not being able to move,

1 slowly regaining some mobility in one of his arms. He  
2 today is contracted in terms of his limbs cannot stand  
3 up, cannot walk. Mr. Wallace cannot speak. And for the  
4 longest time his family thought that he couldn't  
5 communicate in any way that maybe he didn't have the  
6 capacity.

7           And I think they'll tell you a pretty  
8 miraculous story of how his little sister worked with him  
9 and finally when he got a little bit of dexterity back in  
10 his hands they discovered he can text and he can  
11 communicate. But that didn't happen for about a year.

12           So about a year went by when he was awake and  
13 conscious living with his family and just locked inside  
14 and not able to reach out, not able to communicate, not  
15 able to tell someone when he wants something, not able to  
16 tell somebody he loves them or that he needs something  
17 else. Mr. Wallace has spent the entire time confined to  
18 this chair.

19           And I want you to think, ladies and gentlemen,  
20 about what that does to someone as they move through  
21 society and the difference it makes in their presentation  
22 and how they interact with people and the gift it is that  
23 all of us have, you know, to be able to rise when called  
24 to do so, to be able to dress ourselves, to be able to  
25 use the bathroom by ourselves, to be able to clean

1 ourselves, to go through daily life with a natural and  
2 mobile body.

3 And I want to suggest to you that the evidence  
4 in this case is going to show that since 2014 Mr. Wallace  
5 was robbed of all of that and there's nothing that I can  
6 do, nothing that you can do to lift him up, to help him  
7 rise out of that chair.

8 But at the end of the case, I think I am going  
9 to ask you to try to make a difference. Mr. Wallace  
10 can't speak for himself. He has no voice. He can't  
11 stand for himself. His legs won't allow it.

12 But I'm going to at the end of the case ask you  
13 to rise up with me with him and for him. You can't pull  
14 him up out of the chair, but you can lift his spirits.  
15 You can't put a voice back in his throat, but you can  
16 speak with your voice for him.

17 And at the end of this case I will ask you for  
18 a very significant verdict because that is the only voice  
19 that you have on his behalf and it's the only voice that  
20 might be heard, not just here, not just by Mr. Wallace  
21 and his family, but beyond these walls.

22 In fact, ladies and gentlemen, I want to thank  
23 you dearly for your time and for your efforts in this  
24 case and I'll have a chance to speak to you again at the  
25 close of the case and I'll ask you to keep an open mind,

1 listen to all the evidence and be ready with that voice  
2 and be ready to lift up Mr. Wallace in the principle of  
3 justice itself. Thank you.

4 THE COURT: Thank you. Anything from the  
5 State?

6 MS. MULLALLY: Yes, Your Honor.

7 May it please the Court.

8 THE COURT: Yes, ma'am.

9 OPENING STATEMENT ON BEHALF OF THE DEFENDANTS

10 MS. MULLALLY: Ladies and gentlemen, I'm Laura  
11 Mullally as you know and Michelle Wilson and I represent  
12 the State of Maryland in this case.

13 Now, if everything that Mr. Hansel has told you  
14 about, if it were true, if it were all correct, if it  
15 were consistent, we wouldn't be here. There would be no  
16 trial. You would be going about your life and we would  
17 be doing the same. And as you've always known that to  
18 every side of a story there's another side. And the  
19 State is indeed here to give you its side of the story.

20 You will consider that. You'll use your sharp  
21 eyes and your ears to weigh and balance the evidence in  
22 the case.

23 Now, a few things. A few cautionary things.  
24 First of all, it is human nature to look at Mr. Wallace  
25 and to work backwards to say this should never happen to

1 a human being. We need to find the accountable person.  
2 But that's not how a trial works. The Plaintiffs, Mr.  
3 Wallace and his mother through their attorney they have  
4 the burden of proof. They must prove each and every  
5 element of their case and they must prove it to your  
6 satisfaction each one of those satisfactions.

7 In fact, the State because it doesn't have the  
8 burden of proof Ms. Wilson and I could simply sit there  
9 take not a note, a question, not a single witness, call  
10 no witnesses for the State's case and make no argument  
11 because after all the State doesn't have the burden of  
12 proof.

13 But I ask you to consider the burden of proof  
14 because certainly Mr. Wallace's situation is -- it hurts  
15 everyone. And what I ask you to do is to be objective,  
16 to use your good minds, to weigh and balance the  
17 evidence.

18 Now, one big overarching question that you will  
19 have throughout this case once you meet the witnesses  
20 that Mr. Hansel is about to call who are, in fact, State  
21 employees the question is why on earth would they do such  
22 a thing? They are good people working in a tough  
23 environment to get a difficult job done.

24 If you think this is the first time someone's  
25 mother has called to complain about jail conditions, no,

1 no. They are very accustomed to that.

2 So what would they gain? Get tired of some  
3 calls or tired of some complaints. So it is the power  
4 that you want someone in harms way? Is it money? Is it  
5 glory? Or are they just mean, miserable, nasty awful  
6 people? Well, it's none of that. Again, they're good  
7 people doing a hard job in difficult circumstances.

8 So you have to look at this. You have to look  
9 at their actions through the prism of reasonableness  
10 because that's the standard. If you put yourself in  
11 their shoes at the time that they knew of things, in  
12 other words, what did they know? When did they know it?  
13 Then you put yourself in their shoes and you decide if  
14 what they then did was reasonable.

15 So here's some questions because Mr. Wallace  
16 whether he's tall or not or short or not or thin or not  
17 or young or not he came to the jail as an adult. He was  
18 an adult. What did they do with this young man to get to  
19 the bottom of his problem? First question. Did they  
20 know that he had a problem? Were they able to confirm  
21 it?

22 Now, you would think that if someone, if I'm in  
23 danger, if you're in danger, the first person you're  
24 going to tell is someone that can help you. So is that  
25 what Mr. Wallace did? Were they able to confirm that he



1 had trouble or did he resist and fight them the entire  
2 way so that they knew nothing about who he had a problem  
3 with, what the problem was and how to best protect him.

4 And what we have, ladies and gentlemen, is we  
5 have a young man, a detainee, who became increasingly  
6 more and more difficult in a dormitory situation. And  
7 you'll hear about that. He was a medium security inmate  
8 and they moved him to the Mens Detention Center which  
9 housed medium and maximum security inmates just like the  
10 J.I. Building did.

11 So there was no change in his security level  
12 and there was no change of him from one place to the  
13 other. In other words, he wasn't taken to a place where  
14 he didn't belong and in fact, because of the  
15 (indiscernible - 2:57:09) in the dormitory they moved him  
16 to a more restrictive environment.

17 Mr. Wallace had his issues in jail. You'll  
18 hear about them. You'll hear about some of the reasons  
19 that he was (indiscernible - 2:57:21) and I ask you to  
20 keep your eyes open, to keep your ears open, weigh and  
21 balance all of the evidence and look at it in terms of  
22 reasonableness.

23 You will hear from very good people and the  
24 accusations against them, this grand conspiracy, they're  
25 false. And it makes it worst this young man who's

1 injured and we have a lot of false nonsense floating  
2 around the witnesses and I ask you to listen to what they  
3 have to say. They would like to clear their names. And  
4 thank you.

5 THE COURT: Plaintiffs ready with a witness?

6 MR. HANSEL: Yes, Your Honor. The Plaintiffs  
7 call Lieutenant Tamara Patterson. My paralegal is going  
8 to bring him in now.

9 THE COURT: Super.

10 (Brief pause.)

11 MS. WILSON: Your Honor, how do you -- do you  
12 leave the audio visual equipment here?

13 THE COURT: Well --

14 MR. HANSEL: It won't be in my way, Your Honor.  
15 We're ready to get started.

16 THE COURT: I'm sorry?

17 MR. HANSEL: I said it won't be in my way, Your  
18 Honor. We're ready to get started.

19 THE COURT: Super. I mean, I see it in two  
20 places either there or over here in the corner so the  
21 jurors are going to have to like --

22 MS. WILSON: If i push it down when we need it  
23 --

24 THE COURT: That's fine.

25 MS. WILSON: -- so that --