

Trial begins in New York police killing of Amadou Diallo

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The trial of the four New York City police officers accused in the shooting death of West African immigrant Amadou Diallo began last week in the state capital of Albany. Sean Carroll, Edward McMellon, Kenneth Boss and Richard Murphy are charged with second-degree murder and reckless endangerment for their actions on February 4, 1999, when Diallo died after the plainclothes officers fired 41 shots as he stood unarmed in the vestibule of his apartment building in the Bronx.

The trial has been moved 150 miles north to Albany under an order of the state appeals court, which ruled that a fair trial for the officers could not take place in the Bronx or anywhere else in New York City. Lawyers for the police argued that jurors in the city would have “an inherent distrust or even hatred of the police.”

Proceedings got off to a quick start under Justice Joseph Teresi last week, with the selection of a jury completed in only two days. The court, apparently intent on securing an integrated panel, at one point reinstated two black jurors whom the defense had sought to exclude. The jury includes six women, four of them black, and six men. The jury forewoman, chosen because she happened to be seated in the first chair in the jury box, is a middle-aged black woman who lived in the Parkchester section of the Bronx several decades ago.

In his opening statement, prosecutor Eric Warner said that the 22-year-old immigrant was shot without warning by the four officers, and that some of the bullets hit him as he was falling or “actually on the ground.” Warner said the police “made the conscious decision to shoot at a man standing in the confined space of the vestibule. These four defendants intended to kill him. They acted recklessly with a depraved indifference to Amadou Diallo's life and the lives of the

people in the building.”

The defense lawyers argued that the officers had identified themselves and given Diallo the opportunity to stop. They said that Diallo retreated toward his apartment door, allegedly turning and pointing a dark object at them, which was later found to be his wallet.

All the defense attorneys admitted, in the words of one, that “there is no doubt that Amadou Diallo did not deserve to die.” At the same time, he was “a person who felt compelled to avoid the police,” and this had forced the officers to take his life.

“This is a case about five good men,” said another defense lawyer. “There are no villains seated in this courtroom, only victims, four young men who would like to turn back the hands of time, but just can't.” The defense, while admitting the outcome was a tragedy, blames Diallo for his own death. There is no discussion of the possible reasons Diallo might have had for his behavior when approached after midnight by four strangers with guns.

The first witness for the prosecution was Debbie Rivera, who lived across the street from Diallo. She told the court that she saw the police outside their unmarked maroon vehicle before the shooting, and that she did not hear them call out before the shots were fired. She also testified that there was a brief pause of about a second in the gunfire, suggesting that the cops, after having shot for some time, had time to assess any danger they faced before they continued.

Rivera remained firm under cross-examination, explaining inconsistencies between her trial testimony and previous statements she had given to investigators, when she said she had seen nothing before the shooting. “I got, like, scared, because he killed somebody. I was scared to talk to the police.”

Diallo's roommate, Momodou Kujabi, also testified.

The dead man's mother wept in the courtroom as her son's friend choked up and cried on the witness stand as he explained that he had fallen asleep and then been awakened by the police who took him to identify Diallo's body.

The trial is expected to last about a month. In its first week, the implications of the change of venue from New York City to Albany have become clear. Especially considering the fact that a unanimous verdict is required for a finding of guilty, the trial is now far more likely to end with acquittals or a hung jury.

Whatever the immediate outcome, the shifting of the trial constitutes an attack on the democratic rights of the population of New York and its working class. Working people angered over police brutality and the shooting of a defenseless immigrant and neighbor have been told they have no right to sit on a jury and judge the facts because the defendants are police officers. Conditions in the Bronx are being equated to those in the segregationist South of 40 years ago, when racists regularly acquitted the killers of black people. New York Mayor Rudolph Giuliani has attempted to include “anti-police prejudice” alongside racial and religious bigotry. This only underscores the acute social tensions that exist in New York.



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