

# Pennsylvania state police cleared in killing of 12-year-old

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No charges will be filed against the two Pennsylvania state police officers who shot and killed a 12-year-old boy on Christmas Eve in Uniontown, Pa., a small town 50 miles south of Pittsburgh. Fayette County District Attorney Nancy Vernon announced that she wouldn't prosecute the troopers a few days after a coroner's inquest ruled the shooting to be "justified."

Michael Ellerbe was shot in the back on the afternoon of December 24 as he ran from police. The bullet went through his heart, killing him almost immediately. Ellerbe was in a car that had been stolen during the night. The owner of the stolen car spotted it in the early afternoon and notified police. Police chased the car for about a mile before it crashed into a fence and tree. Michael then attempted to escape on foot. He was running between two houses when he was shot.

In justifying the shooting, Vernon greatly expanded upon what is considered to be justifiable grounds for police to shoot at a suspect. "The issue here is not whether [the officer] saw a weapon," said Vernon. "But whether there was a potential for there to be a weapon in his pocket. It's irrelevant that he saw or did not see Michael Ellerbe with a gun in his hand. I'm saying they can't take that chance."

Her ruling has far-reaching and sinister implications. Using Vernon's logic, police would be justified in shooting anyone, even a person stopped for a speeding ticket or jaywalking, since there is always a "potential" for a hidden weapon. In effect she is leaving it to the discretion of each individual officer to shoot or not shoot, assured that he or she will not face any consequences.

During the inquest, which lasted less than a day, police claimed that they shot Michael after one of the officer's guns accidentally went off and the other officer thought that the boy had shot at them.

The testimony of the police was directly contradicted by that of 10-year-old Melvin Duley who lives across the street from where Michael was shot and watched the chase and shooting from his window. He testified that one officer fired all three shots at Michael. Melvin, along with his parents, took part in a protest outside the coroner's inquest demanding that the police be charged in Michael's killing.

People who live in the neighborhood where Michael was shot are outraged by his murder and say that it is a horrible, yet illustrative example of how people in this working class neighborhood of Uniontown are treated by the police.

"I don't think you should kill a 12-year-old boy, black or white," said Roy Daniel Evans, a disabled truck driver who lives down the street from where Michael was killed. "That is the way I feel. These police had no business shooting at him when he was running away from them."

Evans also directly contradicted police claims that Michael may have been armed: "We saw him, he ran across the street just down from here and he wasn't carrying a gun. There is no way he could have been carrying a gun. The way he was running anybody could have seen a gun if he had one. The next thing we heard three shots. He was outrunning them on foot, so they shot him."

Uniontown is a small working class city of 12,000. The town and the surrounding area were devastated by the collapse of the steel and mining industries during the 1980s and have never recovered. The official unemployment rate stands at 12 percent, twice the national average, but is really much higher since many people have given up looking for work.

Average household income is \$19,477, not far above the poverty level and less than half of both the state and

national averages. More than one in five people overall and nearly two in five children live below the federal poverty level.

Most of those who are employed work in retail or service jobs or the few manufacturing jobs left in the area. Pay is low, benefits lower and work is often part-time or temporary. Turnover is epidemic as employers take advantage of the high unemployment and poverty to getting the cheapest labor they can.

For children there is little to do and little hope of a future. There are only three public schools, one high school and two schools where both elementary and junior high school students attend. There are few after-school activities organized for the children. The city's parks department has no recreation center or pool; most of the playgrounds are rundown and in need of repair. The director retired last year and has not been replaced.

Under conditions of unemployment and growing poverty, police harassment and brutality have become rampant.

Becky Evens and her husband Joseph say that there is continuous harassment and mistreatment of people in this neighborhood by police. Just two days before Michael's killing, their eight-year-old son had to be taken to the hospital due to injuries caused when police grabbed his neck and dragged him through a yard.

"He was just playing hide and seek," said Becky. "The police came up and grabbed him by his neck and walked him up to the house. We had to take him to the hospital with a sprained neck. My boy is eight years old. He wasn't doing anything wrong so he didn't run. Lucky—if you run, they shoot you.

"I think it is disgusting. I don't see any reason why a boy had to die over a stolen car. My daughters knew the boy. They went to school with him. He was a real good kid on the honor roll. He just got mixed up with some wrong people, but you don't have to shoot anybody for a stolen car.

"There are a lot of children that live around here. They are always riding their bikes up and down the street or playing in the yards. It was Christmas Eve, why were their guns even out? Why would you shoot at someone running? What if they missed, they could have hit someone else, or the bullet could have gone into someone's home and hit someone in there."

Lawyers hired by Michael Ellerbe's father are pinning their hopes on an FBI investigation and a

possible civil rights lawsuit, charging that the shooting was racially motivated. However, the killing of Michael Ellerbe is part of a generalized assault on democratic rights under conditions of growing social misery. It was the fourth police killing in southwestern Pennsylvania in recent months.

On December 23, Charles Dixon, 43, died a day after being beaten by eight Pittsburgh-area police officers. Dixon was attending a birthday party for his friend held at a local fire hall. He attempted to defuse a dispute between his brother and two off-duty police officers who were hired for the party as security. The police called for backup and when Dixon walked away he was jumped from behind.

Police lay, knelt and sat on top of Dixon while they handcuffed him, despite pleas from Dixon that he could not breathe. The weight and force of the police caused Dixon's lungs to collapse. One officer sprayed paper spray in his face as he lay on the floor.

Bernard Rogers, 26, of Pittsburgh was killed by Housing Authority Police while he was being questioned over illegal drugs. Police claim that they shot Rogers when he pushed and pinned one of the officers onto a sofa. They say Rogers then ran out of the apartment, down steps and collapsed dead in the yard. However, ballistics experts and pathologists testified at an inquest that he was shot through the chest at a downward angle, as if he were shot as he ran down the steps. Both witnesses to the shooting and a shell casing found on the landing support the fact that he was shot as he attempted to escape from police.

On September 7 three undercover Pittsburgh police officers shot and killed 24-year-old Michael Hunter. According to police, Hunter was armed and refused to drop his gun. Witnesses testified that police never told Hunter to drop his weapon and proceeded to shoot him 19 times, with the bullets hitting him in his back and leg. Witnesses also testified that police then allowed their dog to maul Hunter and prevented emergency medical treatment while he lay on the ground dying.



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