

# Public outrage over light sentence for California cop

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Los Angeles Superior Court Judge Michael Perry on Friday threw out part of a jury verdict and sentenced police officer Johannes Mehserle to only two years in prison. Mehserle was convicted in July of this year of criminal homicide for the point-blank shooting of Oscar Grant, an unarmed black youth who was lying face down, in Oakland, California.

The shockingly light prison sentence will be further reduced by double time served and possibly early parole. Mehserle will be eligible for release in seven months. This compares to the maximum sentence possible from the jury verdict of 14 years.

The judge's decision resulted in an explosion of public outrage in the Oakland area. Hundreds have gathered in protests around the city of Oakland that are ongoing as of this writing and are expected to continue into the night. Protesters carried pictures of Grant and signs that read, "I am Oscar Grant" and "Stop police terror."

The police have responded in force. Pictures uploaded by eyewitnesses show riot police forcing dozens of protesters onto the ground face first. Oakland Police Chief Anthony Batts held a press conference at the city's Office of Emergency Services to denounce protesters engaged in "dysfunctional illegal activity."

When the verdict was announced, Oscar Grant's mother Wanda Johnson cried out in surprise and ran from the courtroom, exclaiming, "He got nothing! He got nothing!"

Oscar Grant's grandfather, Oscar Grant Sr., said, "It's a bad decision. [Mehserle] should have served some time. Otherwise, they're telling the public, though he went to trial, a policeman can shoot someone and go free. These guys have a license to kill."

"Two years is just a slap in the face," Grant added.

The shooting of Oscar Grant took place on a Bay

Area Rapid Transit (BART) train platform early in the morning of New Years Day 2009. On videos taken by bystanders with cell phone cameras, uniformed police officers are seen roughly handcuffing a number of young men, including Oscar Grant, and forcing them onto the ground. The young men all appear to be cooperating and make gestures as though to pacify the officers. Mehserle attempts to handcuff Grant, who is lying face down on the pavement, and then suddenly and inexplicably draws his pistol and shoots Grant in the back. The bullet enters Grant's back and exits his abdomen, bouncing off the concrete platform and reentering his chest, killing him. (A video can be seen [here](#) ).

While police brutality, torture and murder are not uncommon in the US, police officers are prosecuted reluctantly and only rarely by the state. Prosecutions are generally only initiated when the incident is caught on tape, provoking an overwhelming public response.

The trial of Johannes Mehserle was a travesty. From the beginning, Judge Perry gave indications that he was sympathetic to Mehserle. (See "The Oscar Grant verdict: some political lessons ") The July jury verdict of involuntary manslaughter (accidental killing) was itself lenient, the product of a number of judicial rulings favorable to Mehserle and a less than enthusiastic prosecution.

Following the July verdict, Mehserle faced two to four years in prison for involuntary manslaughter in addition to a three- to ten-year "gun enhancement" resulting from the jury finding that he intentionally used his pistol to complete the crime. At the sentencing hearing yesterday, Judge Perry went out of his way to intervene on Mehserle's behalf, calling the shooting "accidental" and the jury's verdict "inconsistent."

Perry threw out the "gun enhancement," flouting the

democratic legal presumption in favor of the legitimacy of jury verdicts, and sentenced Mehserle to the minimum sentence of two years.

“Mehserle's muscle memory took over in this moment of great danger and stress,” Perry claimed. “No reasonable trier of fact could have concluded that Mehserle intentionally fired his gun.”

Perry also made provocative statements during the course of the sentencing, criticizing those who wrote to the court demanding a harsh sentence, including a school principal who denounced Mehserle's crime as “murder.”

The California state judicial system is one of the most brutal in the world. Judges routinely hand out extreme prison sentences to working class youth who are convicted of the most petty crimes. Under California's notorious “three strikes” law, one can be sentenced to jail for life merely for shoplifting. However, in the rare case when it is a police officer being prosecuted, the judges bend over backward to impose the lightest sentence possible.

Oscar Grant was 22 at the time of his shooting. Like many young people in California, he grew up in poverty, did not graduate high school, and had held a number of low-wage jobs. At the time of his death, he was employed as a butcher at Farmer Joe's Marketplace in Oakland. He is survived by his mother, sister, girlfriend, and their four-year-old daughter.



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