

# Federal judge overturns post-Katrina police killing verdict

Tom Hall

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A federal judge ordered a retrial for the five police officers convicted in relation to the infamous Danziger Bridge incident during Hurricane Katrina, in light of alleged prosecutorial misconduct by federal prosecutors, who made anonymous online comments attacking the defendants on nola.com, the web site of the *New Orleans Times-Picayune* newspaper.

On the morning of September 4, 2005, six days after the devastating impact of Hurricane Katrina and with tens of thousands still stranded across the city, police officers opened fire with assault weapons on several unarmed residents on the Danziger Bridge. A total of seven policemen were involved in the shootings; five of the officers were found guilty in 2011, fully six years after the crime.

The bridge crosses the Industrial Canal connecting New Orleans' East Ward, which had been submerged in floodwaters, to the higher-lying Gentilly neighborhood to the west. The victims were part of two families who were making their way to dry ground in search of food and missing family members. The high-rise bridge was one of the only remaining ways for survivors to cross the canal out of the devastated areas of the city to reach emergency supplies and medical care.

Two people were killed in the September 4 incident. Ronald Madison, a 40-year-old mentally disabled man, was shot in the back with a shotgun as he attempted to flee for his life. As he lay mortally wounded, a police sergeant stomped on him.

Also killed was 19-year-old high-schooler James Brissette, who was searching for his mother. Brissette was riddled with bullet holes from head to toe.

Four others were seriously injured, including a woman who lost part of her arm. After the killings, NOPD officers deliberately covered up the crime,

claiming that the victims were armed and that Ronald Madison had been seen throwing a gun into the canal. Lance Madison, Ronald's brother, was arrested and held for weeks on false charges of murder after officers planted a gun on him.

After a state court threw the charges out in 2008, the Justice Department's Eastern District of Louisiana under US Attorney Jim Letten took up the case, eventually obtaining five convictions.

A retrial was ordered Tuesday in light of a scandal dating back to 2012, in which two US attorneys, Sal Perricone and Jan Mann, made disparaging comments about the defendants in this and other trials in the comments section of nola.com. A third attorney, Karla Dobinski, from the Justice Department's Civil Rights Division in Washington DC was also later identified.

The federal judge overseeing the case, Kurt Engelhardt, declared that the attorneys' comments "illustrates the diseased root that unfortunately casts an ineradicable taint on these convictions. The government's actions...[are] like scar tissue that will long evidence infidelity to the principles of ethics, professionalism, and basic fairness and common sense necessary to every criminal prosecution."

As a matter of fact, none of the attorneys in question were actually involved in the prosecution of the case. Although Carla Dobinski was involved in the capacity of ensuring that the officers' civil rights were not violated, her remarks on nola.com, as reported by the *Times-Picayune* itself, were in no way disparaging. The posts in question were merely thanking other commenters who had attended the proceedings for their firsthand accounts.

The entire commenting scandal was largely engineered by one Fred Heebe, a former candidate for the very US Attorney's office that Letten held, and

later a target of a federal corruption probe. After he forced Letten's resignation, the charges against him were eventually dropped.

Judge Engelhardt, a Bush appointee, has a history of politically motivated rulings and reactionary rants from the bench. Earlier this year, he threw out an obstruction of Congress charge against former British Petroleum (BP) Vice President of Gulf Exploration David Rainey. Engelhardt ruled that the indictment failed to allege that Rainey knew of a pending congressional investigation into the BP oil spill.

Representative Ed Markey, D-Mass., who led a House subcommittee's investigation into the oil spill, commented, "This was a congressional investigation, plain and simple, and this kind of narrow and off-the wall interpretation of how Congress investigates wrongdoing is deeply troubling."

During the sentencing phase of the Danziger Bridge case in early 2012, Engelhardt spent more than two hours in a rambling diatribe directed against the federal prosecutors and extolling the police department. After calling out the names of 5 officers killed in the 1973 sniper attack from atop the New Orleans Howard Johnson hotel, the judge declared that the incident shaped his views on policing and accused the prosecutors of inserting an "air of mendacity at this trial."

Romell Madison, the brother of victim Ronald Madison, said in a statement: "This decision reopens this terrible wound not only for our family but our entire community."

The police department responded with typical gloating, declaring, "This just goes to show and to prove definitively that we have a highly professional police department, with highly dedicated and highly motivated officers who want to serve the public and do it under the most extreme of pressure."



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