

# Trial underway in police killing of homeless man in California

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A criminal trial began last week for two police officers who are charged with the killing of Kelly Thomas two years ago in Fullerton, California.

Thomas, a 34 year-old homeless man with a mental illness, was brutally beaten and suffocated to death by six police officers in July 2011. Described by acquaintances as a “passive and gentle person,” Thomas, slim and unarmed, posed no threat. A half-hour video of his killing sparked protests and led to the recall of city officials.

After initial attempts by police to downplay and cover-up the murder of Thomas, charges were filed in September 2011 in the face of public protests and clear video evidence documenting the beating.

In his opening statement, the prosecutor argued to jurors that former police officers Manuel Ramos and Jay Cincinelli caused the death of Thomas. He told the courtroom, “this entire incident was characterized by example after example of substandard police work, clear violation of policy ... and that ultimately caused severe trauma that led to Kelly Thomas’ death.”

Ramos has been charged with second-degree murder and involuntary manslaughter. Cincinelli has been charged with involuntary manslaughter and excessive use of force. Both have pleaded not guilty and are free on bail, with money for bail raised by the police. A third police officer is being charged separately.

The defense attorneys argue that the six police officers were justified in their use of force because they had a difficult time subduing the unarmed Thomas. Defense attorney John Barnett told jurors that the police were “losing the fight” and, in fact, “weren’t using enough force.” Furthermore, he contested the coroner’s assertion that Thomas died of chest compression as the police piled on him, beating him repeatedly. Barnett said that Thomas died of a bad

heart. He added that Thomas was a “time bomb” and was prone to violent outbreaks because of his history of drug use and an incident when he allegedly attacked his grandfather with a fire poker.

Before the assault began, Officer Ramos threatened Thomas, telling him that his fists were “getting ready to fuck you up.” Officer Cincinelli kneed Thomas twice in the head and used a Taser on him four times. At one point, in Cincinelli’s own words, “we ran out of options so I got the end of my Taser and I probably ... I just start smashing his face to hell.”

According to the prosecutor, Thomas slowly suffocated as the six police officers beat and pinned him to death. Thomas cried out multiple times, saying “he was sorry, like a young boy begging for the punishment to stop.” “His last words were, ‘Dad, they’re killing me. Dad, they’re killing me.’”

The coroner found no sign of drugs or alcohol in Thomas’s body. Thomas had a slightly larger heart than average. The defense fingered this as a potential factor in Thomas’s death; however, the pathologist saw no reason why this would be a reason for death.

The case is expected to last many weeks. In addition to the CCTV camera footage and the coroner’s report, another important piece of evidence will likely be footage from a cell phone of a witness of the event. The video, taken by one of many transit passengers who witnessed the killing, shows no evidence of Thomas being violent. As one of the witnesses says during the video, “How do you resist arrest when you’re on top of your back?”

Protests erupted in Fullerton, California, after the incident. The city, which is poorer than the average Californian city, has been particularly hurt by foreclosures and budget cuts since 2008. Many city residents were outraged not just by the event but at its

cover-up. (See, “Fullerton, California authorities attempt to cover up police murder of innocent homeless man”)

The police were allowed to see the CCTV video of the killing before making their statements. This usually banned practice enabled them to match their reports with exact details in order to make them more credible. At the same time, the *Los Angeles Times* was denied a copy of the video.

A city councilman went on public television several months after the incident to declare that he was certain a police cover-up was underway and that the information he had received about the event was “extremely misleading” and “might be an intentional misrepresentation.” After months of protest, and many visits by the district attorney and the FBI, the city pressed charges and arrested three of the six officers.

Meanwhile in California there has been and will continue to be a surge of police hiring. According to the *Associated Press*, “cities and counties across California will receive nearly \$20 million in federal grants to help hire more than 100 new law enforcement officers.”



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