

# Outrage over acquittal of California police who beat homeless man to death

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Some 100 people demonstrated Monday night at the Fullerton Transportation Center in Orange County, California, where on July 5, 2011, six police officers beat, tased and asphyxiated 37-year-old Kelly Thomas, a diagnosed schizophrenic.

Earlier on Monday, an Orange County Superior Court jury returned verdicts exonerating two of the officers, Manuel Ramos and Jay Cicinelli, of all criminal homicide and excessive force charges.

Criminal charges will be dismissed against a third officer, Joseph Wolfe. The other three officers involved in the killing were never charged.

“Crazy Kelly,” as he was known in the neighborhood, frequently slept on benches in the transit center, rifling through trash to survive. The spot where the beating took place has been named “Kelly’s Corner” and for two-and-a-half years has been marked with candles and flowers.

The demonstrators carried candles and signs reading “Justice 4 Kelly,” “No More Killer Cops,” and “Change 4 Justice.” Cathy Thomas, the victim’s mother, attended the demonstration. “To know all of these people are out here still supporting us means a lot,” she said through tears. “It seems like everybody we talk to is in agreement: it was murder.”

Smaller demonstrations have taken place throughout Southern California. Hundreds of signatures have been collected on petitions calling for justice for “all victims of police violence.”

Letters to the editor, media interviews, radio talk shows and commentaries have evinced revulsion at the exonerations. This reaction is entirely appropriate and healthy.

The case received widespread attention because of the brutal surveillance video, available here, and here, and the hospital photograph showing Kelly’s face beaten to

a bloody pulp.

After several minutes of Thomas speaking back to Ramos, frequently irrationally, the video shows Ramos tackling him to the ground and beating him, while Cicinelli shocks him five times with a taser. Cicinelli then beats Thomas about the face with the taser handle, breaking numerous bones.

Eventually, six officers joined in the pummeling of Thomas, piling on his back and leaving him motionless. Paramedics resuscitated Thomas’ heart rhythm, but his brain suffered too much oxygen deprivation, leading to his death five days later.

While police beatings and deaths are not uncommon, criminal prosecutions of perpetrators are extremely rare. Because local prosecutors rely on the same officers and departments responsible for police violence, when criminal charges are brought, the defendants are often acquitted.

In this case, none of the many civilian eyewitnesses who came forward and reported seeing the officers beating Thomas were called to testify.

At a press conference Tuesday, Kelly’s father, Ron Thomas, announced that he will pursue a civil suit against the officers. He will be represented by well known Los Angeles trial lawyer Garo Mardirossian.

When asked about the jurors, Thomas said, “I would want to know how they came to the not-guilty verdict. I’m puzzled and I think that’s a fair question.” No juror has spoken publicly about the deliberations or verdicts.

Tom Beck, a veteran Southern California police misconduct lawyer working on Ron Thomas’ legal team, followed the trial. He told the *World Socialist Web Site*, “The prosecutors were no match for the

defense attorneys.”

Beck explained: “Even when prosecutors decide to file serious charges against a cop for on-duty wrongdoing, they cannot manage with the mind set that pervades public prosecutors that work side by side with the same cops daily. There is no killer instinct, no going for the jugular, no effort to play hardball, and they overrated the value of the video recordings. There is not one of us on the plaintiff’s side who does not know that a video, as complete as this one was, does not necessarily mean a slam dunk. The defense was allowed to pervert the images to their own interpretation without real opposition.”

Some have questioned the decision of Tony Rackauckas, the Orange County district attorney, to present the case personally, having not done a trial in fifteen years. “He takes up a lot of time with his words. I thought he lost the jury several times,” Ron Thomas said to the *Los Angeles Times*. “You have to counter what the defense is doing. We didn’t do that.”

Rackauckas defended his performance, excusing the outcome as the result of jurors who “want to support the police if they can.” On a talk radio program, Rackauckas said, “I don’t think there’s any way to look at that video and say, well, this is lawful police conduct. I think the jury had to believe that even with that unlawful conduct, that officer Ramos was still within his authority to continue to give orders and make demands on Kelly Thomas.”

The defense, as explained by Ramos’ defense lawyer John Barnett, was that the officers “did what they were trained to do.” There is much truth to this. In the United States, police officers are trained to brutalize anyone who questions their authority, including the mentally ill.

While there is no national registry of mentally ill people killed by the police, reports of shootings, tasings and asphyxiation deaths of obviously disabled people appear regularly in the media. Earlier this month, for example, 18-year-old Keith Vidal of Boiling Springs Lake, North Carolina was shot and killed by police who had been called by the parents to assist in controlling their schizophrenic son’s erratic behavior. (See: “Troubled 18-year-old murdered by police in North Carolina”).

Cicinelli, who was fired after the fatal beating of Kelly Thomas, has already announced that he will be

filing a wrongful termination lawsuit, seeking back pay and reinstatement to the Fullerton Police Department.



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