

Murder charges filed against Albuquerque cops who killed James Boyd

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The Bernalillo County District Attorney's Office in Albuquerque, New Mexico, filed murder charges Monday against Albuquerque Police Department (APD) officers Keith Sandy and Dominique Perez, who shot and killed James Boyd on March 27. A video of Boyd's death captured by a camera on the helmet of one of the officers prompted revulsion nationwide and protests in Albuquerque.

These charges are the first filed against APD officers for a shooting in the department's history, despite the fact that Albuquerque has one of the highest officer-involved shooting rates in the US. Officers were not charged in any of the 40 APD shooting cases—27 of them fatal—since 2010.

The video of the shooting shows that the officers shot Boyd, who was mentally ill and homeless, in cold blood, for the alleged crime of illegally camping. Sandy and Perez each fired three rounds at Boyd, then proceeded to handcuff the dying man instead of administering first aid.

A subsequent dashboard camera recording captured Sandy calling Boyd "a f***ing lunatic" prior to the shooting. Sandy also allegedly told a state police officer on the scene that he was going to "shoot [Boyd] in the penis here with a shotgun in a second."

The charges were filed "by criminal information" instead of being brought to a grand jury. As KRQE News 13 reported, "Filing charges by information is common in many parts of New Mexico, but rare in Bernalillo County. The process is authorized under New Mexico law and allows prosecutors to charge suspects without obtaining an indictment in a secret grand jury proceeding."

A preliminary hearing in state District Court, at which the prosecutor will present evidence, and defendants will be able to contest the charges, will

follow. Unlike grand jury proceedings, preliminary hearings are open to the public. The defendants' attorneys participate, and the judge, rather than a jury, will make the decision as to whether the evidence is sufficient to warrant a criminal trial. The officers will not be booked into jail until the preliminary hearing.

Due to rules of discovery—the exchange between opposing counsel of each other's evidence—it will probably be months before the preliminary hearing will take place.

At a press conference on the day of the filing, District Attorney Brandenburg strove to present her office's handling of the case as different from those of other recent police killings in which grand juries were used to exonerate killer cops.

"We want to share all of that information with the public. We want them to see it as it's unfolding. I think that that's critical to be transparent, and I believe that will be part of the healing process," Brandenburg said.

She added, "Unlike Ferguson and unlike in New York City, some recent high-profile cases, we're going to know. The public's going to have that information. You all are going to see the witnesses, hear the argument and you'll understand the decision perhaps that he or she made."

Despite Brandenburg's claims that the proceeding will be open and transparent, there is no reason to expect that the officers involved will be brought to justice by a judicial system that almost never convicts police for the murders they commit on a daily basis.

Grand jury hearings were used in relation to the shooting of Michael Brown by officer Darren Wilson in Ferguson, Missouri, and the chokehold death of Eric Garner in New York City at the hands of NYPD cop Daniel Pantaleo. Both proceedings were secret and highly manipulated, and failed to bring charges against

the killer cops.

Shortly after the grand jury failed to indict Wilson, St. Louis County prosecuting attorney Robert P. McCulloch admitted that he presented testimony from a key “witness” who he knew was lying.

Transcripts of the grand jury reveal that throughout the proceedings, the prosecutors coddled Officer Wilson, attacked the eyewitnesses who contradicted his story, and impugned the actions of Brown.

On January 6, a St. Louis County grand juror filed a federal lawsuit to lift the gag order preventing grand jurors from discussing the case, claiming that McCulloch twisted the facts in favor of Wilson and that the presentation of legal issues was “muddled.” The juror further claimed that McCulloch’s public statements that all the grand jury members believed that there was no support for an indictment was not true.



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