

Judge dismisses charges against Honolulu officers who fatally shot teen

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On Wednesday, a Hawaii judge declined to pursue charges against three Honolulu police officers involved in the fatal shooting of a 16-year-old Iremamber Sykap in April, preventing the case from going to trial. In a ruling from the bench, District Court Judge William Domingo said there was no probable cause to bring murder and attempted murder charges against the officers involved.

A grand jury previously decided not to indict the officers in the killing of Sykap, but state prosecutors sought their own charges, arguing that the officers' use of deadly force was "unnecessary, unreasonable, and unjustified under the law."

According to the Honolulu Prosecuting Attorney Steven S. Alm, on April 5 Sykap was shot eight times through the rear windshield of a white Honda that police suspected had been stolen and used in a recent series of crimes.

Honolulu's chief medical examiner testified that Sykap was hit by eight shots, including one to the back of the head and a fatal wound in the upper back, which tore his aorta. Sykap died later after being taken to a hospital and his brother, Mark Sykap, was shot twice but survived the shooting.

Prosecutors charged Officer Geoffrey Thom with second-degree murder for reportedly firing the shots that killed Sykap "without provocation." The prosecution said Thom fired 10 rounds at Sykap through the rear window of the car after it stopped at an intersection. Officers Zackary Ah Nee and Christopher Fredeluces, who also opened fire on the vehicle the brothers were in, faced second-degree attempted murder charges.

Judge Domingo refused to bring charges against the officers on the grounds that the officers had no way of knowing two teenagers were in the car they opened fire

on.

"All we had was a white Honda speeding away, trying to avoid being arrested," Domingo said at the end of the weeks-long preliminary hearing.

"If there was no pursuit in the beginning, and there were just people in the car and officers just came up and started shooting from behind without any type of provocation—but that's not what we have here," Domingo said.

Police claimed the three officers fired at Sykap after he weaved in and out of traffic at speeds up to 80 miles per hour as he led police on a high-speed chase. The vehicle came to a stop at an intersection after being surrounded by police cars. Officers surrounded the car with their weapons drawn and ordered the occupants to exit the vehicle.

"The reasonable person would think, well, you know, is it over? And it's not over at that point," Domingo said. Officers said the car started moving again, putting officers and others in danger, and that's when Thom opened fire into the white Honda.

A police evidence specialist testified officers found a pellet gun that looked like a real firearm in the Honda Sykap was driving. Police said they also found a magazine of real ammunition and one that was empty. However, no real firearms were found in the car. Police also claimed they found a backpack several blocks away from the shooting that came from a suspect who fled the vehicle. The backpack only had a blank-firing revolver, similar to those used as movie props or at track-and-field events.

Thomas Otake, the attorney who represents Ah Nee, told CNN that he was not surprised by the grand jury and the court's decisions.

"This was clearly a case of officers acting to protect themselves and the public. It was not even a close call,"

Otake said in an emailed statement.

Thom's attorney, Richard Sing, agreed with Otake.

"The rejection of the prosecutors misguided accusations by both the grand jury and then by the courts, all within 2 months of each other, means that the charges were utterly without merit or cause," Sing told CNN in a statement.

Fredeluces' lawyer, Crystal K. Glendon, said that justice prevailed.

"Both attempts failed because they were without merit," Glendon told CNN in an email. "A case that never should have been charged was resoundingly dismissed not once, but twice."

Malcolm Lutu, the president of State of Hawaii Organization of Police Officers, said in a statement that the police union was pleased that the legal system ruled in favor of the officers for a second time.

"Today isn't a day of celebration, rather, it proves that the officers' decision making was justified. It does not take away from the tragedy of what happened and the impact that it has on many families," he said.

Deputy Prosecuting Attorney Christopher Van Marter countered claims that officers were in danger at the time of the shooting. Van Marter said body camera video, which has not been released to the public, contradicted the officers' claims that Sykap attempted to use the car to ram them. Marter admitted Sykap was not complying with officers' demands to exit the car but stated he did not pose a threat to the lives of the officers at any time, according to the criminal complaints filed against the officers.

Van Marter said Thom displayed a breakdown in judgement, restraint and discipline in that there was no reason for him "to start blasting 10 rounds into that car."

"We're talking about taking a person's life with a gun. A government employee. He's supposed to be disciplined, exercise restraint, only do something if necessary," Van Marter said.

Since 2015, police in Hawaii have killed 36 people according to a database maintained by the *Washington Post*. Five people, including Sykap, have been killed so far this year.

Three Honolulu police officers shot and killed Lindani Myeni, a black South African rugby player, on April 14 after he entered a home he apparently mistook for a public temple. Body camera footage shows that

the officers did not identify themselves until after they engaged Myeni in a struggle and shot him four times. Honolulu Prosecuting Attorney Alm announced on June 30 that the officers would face no charges after determining the shooting was justified.



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