

Trial of police officer Kimberly Potter for killing of Daunte Wright nears end

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19 December 2021

Former Brooklyn Center, Minnesota, police officer Kimberly Potter's trial for the killing of Daunte Wright is expected to conclude today. Daunte Wright was 20 years old at the time of his death. He was killed during a traffic stop on April 11 after an attempt was made to arrest him. Potter fatally shot him while he sat in the driver seat of his vehicle. She is charged with first- and second-degree manslaughter.

Potter's defense fundamentally revolves around her claims to have mistakenly used her firearm in place of her Taser weapon, indicated also by her shouting "Taser" three times as she fired her weapon at Wright as he sat in his car. The prosecution's case was focused on whether or not the use of a Taser weapon would even have been appropriate and, compounding on this, whether or not the two weapons could be as easily confused. The case additionally focused on the fact that Potter was a former instructor for the Brooklyn Center Police Department.

During the trial's first week, the prosecution presented its case against Potter, resting its case on Thursday morning. On Wednesday, law school professor and former police officer Seth Stoughton, who also testified during Derek Chauvin's trial for the murder of George Floyd in Minneapolis, Minnesota, testified that the use of force by Potter was not appropriate and in fact excessive regardless of whether Potter used the Taser or her firearm. Specifically, he stated that "a reasonable officer in Officer Potter's position would not have concluded there was imminent threat of death or great bodily harm and thus that the use of bodily harm was excessive and was disproportionate to the threat presented."

Wright's father, Aubrey, had a chance to take the stand on Wednesday, where he delivered an emotional testimony about his son and his recent newborn: "To

see him as a father, it was like, I was so happy for him, because he was so happy. He was so happy about Junior. It was my chance to be a grandfather. He loved his son." He continued, "I miss him a lot, every day."

Following the prosecution presenting their case against Potter, the defense filed a motion on Wednesday to dismiss the case based upon the claim that they had not demonstrated their case. Judge Regina Chu denied this motion and allowed the case to continue.

Potter's defense began presenting its case last Thursday and based itself on her testimony, which she gave last Friday. During her testimony, Potter stated: "I was very distraught. I just shot somebody. I'm sorry it happened." Potter continued later about why she resigned, referring to the protests sparked by the killing of George Floyd in Minneapolis the previous year, "I didn't want my coworkers ... I didn't want anything bad to happen to the city."

A large component of the defense revolves around an argument of "action error," or an automatic routine response to something when something else was intended. In order to advance this, the defense brought in Palm Beach psychologist Dr. Laurence Miller, who testified in defense of former Chicago police officer Jason Van Dyke for the killing of Laquan McDonald.

The prosecution countered this by arguing that police officers should be held to higher standards than "action error" due to their legal permit to employ deadly force.

This position is held widely by law professors and experts outside of the case. In an interview with Minnesota Public Radio (MPR), criminologist James Densley of Metropolitan State University called the action error argument a euphemism for "human error under stress," but also stated that it is difficult to justify applying it to cases with high stakes.

Law professor Angi Porter from Georgetown University commented on the common use of this defense and the use of experts such as Dr. Miller, telling MPR, “If they’ve been an expert in 20 trials, and they’re all in defense of police, the jury gets to hear lines of questioning on that, and they get to doubt whether this is real science or whether this person is sort of routinely just out here to defend a certain type of profession.”

Porter also noted that the prosecution’s response to the defense was not intended to say that “she premeditated, planned, to shoot Daunte Wright,” but that “this type of mistake is not tolerated in our society.”

Police routinely use lethal force against the working class in the United States, consistently killing more than 1,000 people every year with almost complete impunity. Potter’s trial is the exception which proves the rule. According to the Bowling Green State University Police Integrity Research Group, just 104 police officers were arrested for murder or manslaughter between 2005 and mid-2019 for an on-duty shooting. Of these, just 35 were convicted of a crime.

As the trial proceeded, protests against police violence were held outside of the Hennepin County District Courthouse and throughout Minneapolis. Two weeks prior, a vehicle attempted to run over protesters as they marched through the city.



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