

Judge dismisses all charges against former cop who killed unarmed Philadelphia man in cold blood

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On Tuesday, September 26, Judge Wendy Pew of the Pennsylvania Municipal Court dismissed all charges against former Philadelphia Police Officer Mark Dial for shooting and killing 27-year-old Eddie Irizarry in his car on August 14 of this year. Pew claimed that the prosecution did not present “sufficient” evidence to justify the seven charges, which included murder, voluntary manslaughter, aggravated assault, and reckless endangerment.

In August, Dial and his partner officer Michael Morris had pulled Irizarry, a car mechanic without a prior criminal record, over for reckless driving. Within five seconds after stepping out of their police cruiser, Dial opened fire on Irizarry, shooting him nearly a half-dozen times.

Pew, completely accepting the officer’s narrative, argued that Irizarry’s shooting was not murder and was justified due to the officers “reasonably” fearing for their lives.

Dial was put on leave by the Philadelphia Police Department and eventually fired for not participating in an active investigation and failing to obey a superior. He was charged on September 8 and had bail set at half a million dollars which he posted the same day.

Pew accepted Dial and Morris’s incoherent testimony, despite initial reports by the police falsely claiming that Irizarry was out of the vehicle and lunged at them with a knife at the time of his shooting. This blatant lie was later exposed after surveillance footage came to light the next day showing Irizarry never stepped out of the car nor did he even move when he was approached by officers.

Irizarry was found to have had a knife in his car, but no proof was offered to show that he intended to use it

as a weapon. According to the *Philadelphia Inquirer*, “Morris testified... that he didn’t remember the exact words he used [when he claims to have seen the knife], but said he saw Irizarry grab a knife and appear to move it upward, and tried to convey that to Dial.”

According to this unlikely account of events, the sight of a knife prompted one police officer to yell “gun,” or at least that was what was heard by the other. This then supposedly prompted Dial to act in self-defense.

Around 100 people, including Irizarry’s close family, gathered by Philadelphia’s City Hall to protest the dismissal. Police reported incidents of vandalism and looting, which they blamed on “opportunists” seeking to “take advantage of the situation.”

Predictably, the Philadelphia political establishment, with Democratic mayoral candidate Cherelle Parker taking the lead, called for those “responsible” for the limited vandalism downtown to be “held accountable to the fullest extent of the law.” Parker, who had remained silent after the killing of Irizarry, used the opportunity to again promote the police and “public safety.”

The slain man’s family denounced the judge’s biased ruling. Irizarry’s aunt, Zoraida Garcia, said in response to such claims, “How much more evidence do you need? If the evidence was there, all the videos were there. The whole city has all the videos. So, for you to sit here and say there was not enough evidence, then that was wrong.” Irizarry’s family described the proceeding as extremely rushed, with the judge issuing her ruling within a “second” of hearing the police officer’s account.

The family has brought a wrongful death suit against Dial for the killing. According to the suit, Irizarry had not been given any “opportunity whatsoever to comply

with any law enforcement commands to either ‘drop the knife’ or to ‘show me your hands.’”

Significantly, the lawsuit refers to officers Morris and Dial’s treatment of their body cameras. Both officials gestured to their still-recording body cameras after the killing, thus signaling to other law officials that they were being recorded. The lawsuit states this “silence is overwhelming and the obvious beginning of a conspiracy of silence and outright falsehoods in order to cover up the unlawful shooting of an innocent Philadelphian who had never been in trouble with the law in his life.”

The city’s Democratic District Attorney Larry Krasner has appealed the decision to try and reinstate the charges against Dial as the office said they strongly disapproved of Judge Pew’s dismissal.

Judge Pew’s naked pro-police bias has appeared in other rulings. Two individuals, Guy Green and Dorian Clark, in 2016 and 2022, brought lawsuits against Pew alleging false imprisonment and violations of constitutional rights as a result of her actions against them.

And this is not the first time that Philadelphia courts have dismissed charges against police officers charged with murder. In 2022, another Philadelphia judge, Barbara McDermott, dismissed charges against Officer Ryan Pownall after he shot David Jones in the back while he was fleeing, killing him in the process.

Between 2016 and 2019, nearly 2,600 civilian complaints were filed over violence perpetrated by the Philadelphia Police Department and in only 24 percent of cases were civilians found in favor of against the police. According to a 2015 Department of Justice review of the city’s police department, police killings have tended to rise even as violence decreased.



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