

Georgia prosecutor announces no charges against police who shot and killed “Cop City” protester

Jacob Crosse
9 October 2023

On Friday, nearly nine months after Manuel Esteban Paez “Tortuguita” Terán was fatally shot by police in a hail of gunfire, Stone Mountain Judicial Circuit District Attorney George Christian announced that none of the police would face criminal prosecution.

Terán was shot and killed while encamped in the South River Forest outside of Atlanta, Georgia, protesting the construction of “Cop City”—a \$90 million militarized police training complex.

Terán, affectionately known as Tortuguita/Tort, or “Little Turtle,” by friends and comrades, was a 26-year-old environmental and anti-police violence activist from Venezuela. Terán was one of dozens of Cop City protesters who had spent months camping in the forest in order to delay construction of the facility.

Previous autopsy reports done by the state and the family of Terán have confirmed that Terán was shot multiple times while inside a tent. The autopsy report conducted by the family concluded that Terán was seated cross-legged with hands in the air when shot by police.

In the only body camera footage that has been released by the police, Atlanta police officers are heard speculating that police had shot their own in a “friendly fire” incident.

According to Christian’s contradictory report, six Georgia State Patrol officers—Mark Lamb, Jonathan Salcedo, Bryland Myers, Ronaldo Kegel, Royce Zah and Jerry Parrish—shot Terán at least 14 times, causing at least 57 gunshot wounds. Christian ruled that every single officer who shot Terán was “objectively reasonable” in deploying “lethal (deadly) force,” and that none of them acted “with any criminal intent.”

“The use of lethal (deadly) force by the Georgia State Patrol was objectively reasonable under the circumstances in this case,” wrote Christian. Christian claimed that police, none of whom were wearing body cameras, shot Terán after he fired on them from inside the tent after they began shooting him with a pepper ball launcher. Police claim that one of the four shots

fired by Terán struck trooper Parrish in the abdomen.

Christian took over the criminal cases against the Cop City protesters this past June after DeKalb County District Attorney Sherry Boston withdrew from the cases, citing “fundamentally different prosecution philosophies” than those of Georgia Attorney General Chris Carr (Republican). Carr’s office is currently overseeing 61 cases against Cop City protesters, who are facing trumped-up RICO, or conspiracy, charges. A RICO (Racketeer Influenced and Corrupt Organizations) conviction carries a minimum five-year prison sentence and up to 35 years of incarceration.

For over two years, thousands of people, including local residents, have been protesting the construction of the Atlanta Public Safety Training Center, commonly known as Cop City. Local Democrats, including African-American Mayor Andre Dickens, have steadfastly refused to delay construction of Cop City, even in the face of a petition that has garnered over 115,000 signatures.

Earlier this year, the Democratic Party-dominated Atlanta City Council provided \$67 million in public funding towards the 85-acre facility, which will not only train US police. It is also slated to provide military training for the Israel Defense Forces, which are currently engaged in a mass killing campaign against the Palestinian people.

The report issued on Friday reeks of a cover-up. In a statement by the Georgia Bureau of Investigation (GBI) accompanying the report, the GBI reveals that because of pending criminal investigations into other Cop City protesters, any Open Record Act request for additional information to be publicly released, including video and photographic evidence, “will be denied, until such time as the above investigation and prosecution is not pending.” Given the fact that there are over 60 cases pending, this means additional evidence could remain hidden from the public for years.

Further exposing any claims of a “transparent” investigation into the killing of Terán, the GBI statement added that “there will be no additional information provided or comments about the Report concerning the use of lethal force by the Georgia State Patrol on January 18, 2023.”

The report issued by Christian contains nothing but statements from the cops who shot and killed Terán shortly after 9:00 am on January 18, or statements from police who witnessed the shooting. No photos, videos or forensic analysis is provided in the report to support its claims.

All of the police statements claim that Terán refused to get out of the tent after being ordered to do so by police. Every cop also reported that it was the police who first fired into Terán’s tent with a “less lethal” pepper ball launcher carried by Trooper Myers.

According to Lamb’s account, after the troopers came upon Terán’s tent, they ordered Terán out. Lamb claimed Terán briefly unzipped the tent to tell police, “No, I want you to leave,” after which trooper Myers “began firing pepper balls into the tent, after having first warned Terán that such less lethal device would be used if he did not come out of the tent.”

The report does not give any indication if Terán acknowledged the warning or was aware that police were going to be using a “less lethal” munition against him. It is entirely possible that once police began firing pepper balls, which travel from the TAC-SA launcher at a speed of 280-300 feet per second, Terán thought he was being shot at with lethal rounds.

Trooper Myers, the cop armed with the pepper ball launcher, claimed in his account that after police told Terán he was under arrest for refusing to come out of the tent, Terán unzipped the tent briefly to tell police he was not leaving. Myers claims that after Terán zipped the tent closed, he “used the pepper ball launcher in an effort to cause Terán to come out of the tent, knowing that the pepper ball launcher would be the best way to accomplish Terán coming out of the tent without causing him physical injury.”

How, or why, shooting someone repeatedly with a pepper ball round would cause the person to come towards the police was not explained by Myers or the report.

In the following paragraph, the police explain the real reason the pepper ball launcher was deployed: “[B]y using the pepper ball launcher, the Troopers would avoid having to go inside the tent and physically remove Terán.”

Police claim that after they had fired an unknown number of pepper ball rounds into the tent, Terán began shooting back at them from inside the closed tent with a Smith and Wesson

Shield handgun, which he had allegedly purchased from a Cabela’s in Acworth, Georgia on September 6, 2020.

Myers said that after Terán had allegedly fired four rounds, in total, he switched from the pepper ball launcher to his pistol and began shooting inside the tent.

In an interview with the *Guardian*, Marcos, a friend of Terán, confirmed that Terán had purchased a pistol for “community defense.”

Like Lamb, Salcedo’s narrative of events has Terán refusing to come out of the tent, followed by police shooting him with a pepper ball launcher, prompting Terán to fire back with his pistol four times. Like Lamb, Salcedo admits he fired his rifle into the tent. After shooting and killing Terán, Salcedo said that he participated in the search Terán’s tent, and that he heard a trooper say “weapon secure,” which indicated to him that a weapon had been found *inside* the tent.

In all of the pictures released by the GBI, the pistol that Terán is alleged to have fired at the police is outside the tent, covered in debris.

The report briefly details the autopsy report performed by the DeKalb County Medical Examiner on January 19, 2023. The Report notes that a “Gun Shot Residue (GSR) kit was collected,” and that “Gunpowder residue was not seen on [Terán’s] hands.”

In the “Crime Lab Examination and Results” section of the Report, Christian writes that testing of the Gunshot Residue Kit “revealed the presence of particulates characteristic of gunshot primer residue,” which “supports the possibility that the individual (Teran) discharged a firearm, was in close proximity to a firearm upon discharge, or came into contact with an item whose surface bears GSR.”

The report further noted: “It is possible for victims of gunshot wounds, both self-inflicted and non-self-inflicted, to have GSR present on their hands.”

In other words, the GBI and the police have yet to provide any actual evidence, beyond their own statements, that Terán fired a pistol at police before Terán was shot dead.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact