

Notes on police violence in America

Judge dismisses manslaughter charges against Texas officer citing position as a federal agent

By Evan Blake
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Last Thursday, Judge Lee Yeakel of the US District Court for the Western District of Texas dismissed a manslaughter charge against Charles Kleinert, 51, four days before the former Austin police officer was set to stand trial for the 2013 shooting death of 32-year-old Larry Jackson Jr.

Citing a little-known 1889 Supreme Court case that extended the Supremacy Clause of the US Constitution to federal agents, Yeakel claimed that Kleinert was protected from state prosecution for the murder of Jackson due to the fact that he serves on an FBI task force. The blatantly rigged dismissal demonstrates the lengths to which the state will go to shield killer cops from prosecution.

Yeakel's decision marks the end of one of a handful of prosecutions against police officers for the thousands of police killings that have taken place in recent years. A *Washington Post* analysis earlier this year found that from 2005-2014, a mere 54 officers were charged in connection with an on-duty shooting. Of these, only 11 have been convicted, while Kleinert joins the vast majority that now walk free.

Jackson was killed by Kleinert on July 26, 2013. Jackson had visited his local bank, which was on lockdown after a robbery attempt, and was told to come back later. When he returned later in the day, Jackson was confronted by Kleinert, who was investigating the robbery in his capacity as an Austin police detective. Prior to Jackson's arrival, Kleinert had told people that he was operating as an Austin police officer.

Kleinert alleges that after a few minutes of questioning, Jackson fled the scene, prompting Kleinert to give chase. Kleinert immediately commandeered the vehicle of Regina Bethune, who was driving nearby.

Last February, Bethune told local news channel KVUE, "(Kleinert) was breathless and agitated and yelled, 'Go, go, go,' and 'follow him' multiple times. He seemed very out of control and highly agitated. I was uncertain if he was really a police officer or not. I realize that either way I

needed to remain calm and help him try to calm down. He did not identify himself any further once in the car. He did not tell me his name or offer any explanation as to what was going on."

Kleinert soon confronted Jackson underneath a bridge and drew his pistol, striking Jackson multiple times while holding his gun. In trial testimony, Kleinert made the absurd claim that the weapon accidentally discharged while he was striking Jackson, firing a single bullet into the back of Jackson's neck.

Adam Loewy, an attorney for Jackson's family, asserts that the shooting was intentional. He told the *Washington Post*, "(Kleinert) never claims that Larry attacked him. The forensic evidence shows that Larry was on his hands and knees and the gun was at the back of his neck. Execution style."

The city of Austin clearly recognized the guilt of its officer, awarding the Jackson family a \$1.25 million settlement last year. Judge Yeakel, however, sided with Kleinert's legal team, which argued that the shooting was accidental and that he was entitled to "Supremacy Clause immunity" because he was acting in his federal capacity while investigating the bank robbery.

"The court concludes that from the time Kleinert began his conversations with Jackson until the time Jackson died, Kleinert was acting in his capacity as a federal officer," Yeakel wrote.

Travis County District Attorney Rosemary Lehmberg is considering appealing the ruling. In a statement released Thursday, she declared, "With this federal court action dismissing the case, it appears that an Austin Police Department officer can be assigned to a federal task force and avoid prosecution in state court."

Autopsy reveals Almonderez Green died from single gunshot under chin

At a press conference Saturday, St. Louis County police

spokesman Brian Schellman revealed that the county medical examiner has found that Almonderes Green, 18, died from a single gunshot wound under his chin. Ballistic evidence confirms that the round was fired from a .38-caliber revolver. Green's family and multiple witnesses have asserted that police killed the youth, while officials claim that he shot himself with his own gun.

The shooting took place in Normandy, a small suburb of St. Louis just south of Ferguson, the site of repeated protests against police violence over the past year following the police murder of unarmed youth Michael Brown. Normandy police claim that Green's family requested their assistance as the distraught and suicidal teen walked four miles through the Ferguson area, while his family monitored him in two cars.

When police arrived, they immediately escalated the situation, drawing their weapons and trying to stun Green with a Taser at least once. They have acknowledged that one officer fired a shot at Green, which did not hit him, prompting Green to fire once, allegedly striking a nearby house.

Multiple witnesses assert that police soon shot Green, while no witness has yet to come forward to support the official narrative that Green killed himself. In one cell phone video taken by Dominique Clemons, a voice can be heard shouting, "Don't shoot my baby" as a single gunshot goes off, followed immediately by a man, presumably Green, pleading, "Don't kill me, oh God."

Clemons told the *Huffington Post*, "While he was running, he turned around to face the police and that's when he got shot in the face. I saw his body drop. They shot him in the face, his whole right side of his face was gone, his top lip was gone."

Jermell Simpson, Green's father, declared in a video posted to Instagram, "When he started running, Ferguson [police] started shooting." Simpson later described the official narrative as a "total lie" to the *St. Louis Post-Dispatch*.

An anonymous witness told the *Huffington Post*, "I seen two police officers in dark uniforms chasing the young man. ... He stopped right there near a brown pole ... he grabbed on it and as he was ready to turn around, the police officer were not even six, seven feet away, and stood over him and shot him dead in his face. The police did not shoot down at him, [the officer] was right at eye level as he shot him twice. The boy fell, he fell back. It was not a suicide. At all."

Shortly after the shooting, Green was taken to the hospital in critical condition. He was later pronounced dead at 4:29 a.m. on Thursday.

26-year-old Ricky Ball

The City Council of Columbus, Mississippi voted Friday to fire Columbus Police Department (CPD) officer Canyon Boykin and suspend officers Johnny Branch and Yolanda Young, the three officers involved in the October 16 shooting death of 26-year-old Ricky Ball.

Boykin, Branch and Young initiated a traffic stop on a car in which Ball was a passenger, allegedly due to careless driving and a missing light above the license plate. Ball reportedly fled the scene on foot, and was quickly shot twice, once each in the upper and lower body. He died later that night from blood loss at Baptist Memorial Hospital-Golden Triangle.

After the shooting, officials have claimed that a 9mm handgun, which had been reported stolen from a CPD officer's home in August, was found near Ball, along with narcotics. The Mississippi Bureau of Investigation is conducting forensic examinations to determine whether the items were ever in Ball's possession. In an effort to conceal crucial facts of the case from the public, authorities have not revealed which officers shot at Ball or whether he in any way threatened them before they opened fire.

Two days before the City Council decision, CPD revealed that an unauthorized civilian had been riding with the three officers at the time of the incident, and that none of the officers activated their body cameras prior to the shooting. Both policy violations served as the basis for the City Council decision. Boykin was also found to have violated social media policy prior to the shooting of Ball, for making repeated posts that were derogatory toward African Americans, women and disabled people.

Earlier on Friday, the City Council approved a parade permit for a memorial march planned for Tuesday afternoon. Hundreds are expected to rally in protest against the death of Ball, which marked the 944th police killing so far this year, according to killedbypolice.net. In the two weeks since Ball's death, more than 50 people were killed by police, placing the total number of police killings so far in 2015 at nearly 1,000.

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Officer fired in connection with police killing of