

Trial underway in Chicago police murder of Laquan McDonald

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The defense team for Chicago police officer Jason Van Dyke completed its third day of testimony yesterday and will continue today. Van Dyke is being tried for the murder of Laquan McDonald after shooting him 16 times—emptying his entire magazine—and killing him in 2014.

Last December, Chicago Mayor Rahm Emanuel fired Chicago Police Department (CPD) Superintendent Garry McCarthy, who—along with the mayor’s office and the entire Chicago city council—suppressed the video of McDonald’s murder, allowed Van Dyke to walk free, and paid the teen’s family an unprecedented \$5 million.

Jury selection for the trial has sparked controversy. An aspiring police officer made the cut, and only one member of the jury is African-American.

Van Dyke’s legal team attempted to have the trial moved out of the city of Chicago, on the grounds that if Van Dyke is acquitted of the charges, there could be mass unrest in the city. Based on this supposition, they argue Van Dyke could not get a fair trial.

The Illinois state prosecutors rested after four days of testimony last Thursday. Former FBI agent Urey Patrick testified that Van Dyke, who shot the teenager 16 times, could have apprehended him by other means. McDonald’s three-inch knife, which he had on him before being shot, “did not rise to the necessity of using deadly force to stop it.”

Patrick continued, referring to the dashcam video of the killing, “He never said anything to anybody, never made any threats, never made any move towards the police officers confronting him. Here in this video he’s walking away from them.”

Chicago police officer Joseph McElligott also testified. Before McDonald was killed, McElligott trailed him for blocks on foot, testifying he had no reason to shoot because McDonald didn’t pose enough of a threat. “He didn’t make any direct movement at me,” he said.

An FBI ballistics expert also testified the sudden movement on the dashcam video made by Van Dyke’s partner, Joseph Walsh, the moment Van Dyke began firing

his shots was “consistent with a flinch” meaning he was likely surprised by the shots and was not expecting them.

Also based on evidence from the dashcam video, the same expert testified the time from Van Dyke firing the first bullet to his 16th lasted “at least” 14.2 seconds. A video was then shown of an FBI marksman firing 16 bullets into a target. Using a similar gun to the one Van Dyke had the night of the shooting, the video showed the marksman firing 16 bullets into a target as fast as he could. It took him 3.7 seconds. Then, the marksman fired 16 bullets the same alleged time it took Van Dyke to empty his magazine, 14.2 seconds.

The expert showing the video stated, “It’s a deliberate rate of fire. It’s methodical. He was taking time to aim each shot. Methodical is one of the best ways to describe that.”

In other words, Van Dyke did not act out of fear, compulsively and unconsciously. Every shot fired was deliberate and intended, meaning that he knowingly fired all 16 bullets even after McDonald fell to the floor.

The attorneys representing Van Dyke began their defense on Monday. The team is primarily, and one could say desperately, basing its defense on the claim that the troubled teen McDonald, who had a history of mental illness, was extremely violent and physically dangerous to others and ultimately posed a threat to Van Dyke, warranting his death. The defense might invoke the 1984 Illinois Supreme Court ruling *People v. Lynch*, which stated a defendant who claims self-defense for a murder trial may introduce evidence of “the victim’s aggressive and violent character” regardless if the defendant was aware the victim was aggressive and violent when killed.

Thus far, the defense has introduced multiple witnesses who allege McDonald being “combative” in numerous occasions.

During the first day of the defense, testimony was heard from previous and current juvenile detention Cook County Sheriff’s officers. One told the court of an incident when McDonald “put his arm back, so my partner hit him in the stomach but it really didn’t affect him” while another stated,

“We took him to the floor in the prone position due to his combative behavior.”

A testament was heard Tuesday from McDonald’s former probation officer, Dana Randazzo, who stated McDonald was once violent and combative during a court trial in August 2014, telling the court, “He became very upset and combative with the sheriffs.”

Also on Tuesday the defense showed an animation that recreated the killing of McDonald. The four-minute animation shows multiple perspectives of the shooting. An animated version of McDonald is shown walking parallel to Van Dyke and then shot multiple times. The video does not depict McDonald lunging towards or showing any kind of movement in the direction of Van Dyke before being shot but does show him closing the distance between the two.

The defense introduced on Tuesday a piece of evidence of a Chicago Transit Authority (CTA) card that McDonald allegedly had on him when he died, which belonged to a disabled, retired veteran. Van Dyke’s attorney, Daniel Herbert, stated this was proof that he had stolen the CTA card and went on a “wild rampage” before encountering Van Dyke. Judge Vincent Gaughan barred evidence from being entered into the trial on the grounds that it was “weak” and that it was unclear who took the card from McDonald’s body, possibly invalidating the defense’s claim, stating, “Being on the CTA and taking multiple rides doesn’t prove anything.”

The judge, also on Tuesday, barred the defense calling a Chicago police officer to testify he encountered McDonald almost 19 hours before he was killed. The officer encountered the teen after he asked his aunt’s next-door neighbor to borrow her car at 3 a.m. The woman, frightened, called the police. The next-door neighbor told the *Chicago Tribune* that McDonald was not aggressive when she encountered him, and he was not arrested that night.

Yesterday, testimony continued to portray McDonald as “combative” and “deranged.”

Chicago police officer Leticia Velez spoke vaguely about seeing McDonald the night of the shooting. “He did not look toward our direction,” she said. “He just kept looking straight ahead. He looked deranged. ... There was nothing that was actually fazing him. He was just, like, in a twilight.”

Velez later testified she was worried McDonald might have had a gun, which police later confirmed he did not. As she and her partner were driving in a police squad car, she said “I did believe that he had a gun, and when we made a U-turn, they were already firing shots.”

The murder of McDonald represents one of thousands in the United States and one of hundreds in Chicago over the past four years. Chicago is an epicenter of police violence

within the United States. The Democratic Party, which has run Chicago politics for decades, is complicit in the endless crimes of the Chicago police.

Indeed, just last week, former Chicago police commander Jon Burge, who resigned in disgrace, died at his home in Florida. Though he was never put on trial, Burge was accused of torturing black men in Chicago with beatings and electrocution, especially to the genitals, in order to elicit murder confessions.

The evidence that Van Dyke murdered McDonald deliberately and not in self-defense is overwhelming. But the history of police murder trials makes clear there is no reason to suspect Van Dyke will be found guilty. Sections of the ruling class are seeking a non-guilty verdict to maintain a legal precedence of police murder in the United States.

At the same time, the killing of McDonald, like that of Michael Brown and others, has been a center of political protest, and has put the entire Democratic Party establishment of Chicago and nationally on edge. A verdict of not guilty will likely invoke large protests from workers and youth in Chicago and nationally, and perhaps internationally.

But, if found guilty, the ruling will not do anything to reform or stop the endless bloodshed of the police. A guilty verdict will be used to attempt to quell the growing unrest among youth and workers and their growing hatred for police violence, and the capitalist system that produces it.

The case is being closely monitored by the Illinois attorney general, the prosecutor in the trial. The prosecution is acting carefully to depict Van Dyke as an isolated anomaly and pretend that his murder does not amount to anything beyond being possibly racially motivated and done with criminal and malicious intent, both of which may very well be true.

What will not be part of the prosecution’s case is any argument on the true nature of class relations within the United States and the role of the police as the violent enforcers of class rule by the ruling class over the working class, black, brown and white.

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