

Atty: 2 cops wrongly accused in CA homeless death

December 2, 2013 @ 10:55 pm

SHARE STORY

SANTA ANA, Calif. (AP) - A homeless man who died after a violent confrontation with six California police officers was combative, grabbed at one officer's stun gun and struggled so hard against attempts to handcuff him that the officers arresting him asked a dispatcher to broadcast an urgent call for back-up three times, attorneys for two police officers charged in the death said during opening statements.

The two former Fullerton police officers- Manuel Ramos and Jay Cicinelli- went to trial Monday in the death of Kelly Thomas, a 37-year-old mentally ill homeless man who was taken off life support five days after the July 5, 2011, encounter with police.

Ramos, 39, has pleaded not guilty to second-degree murder and involuntary manslaughter and Cicinelli, 41, has pleaded not guilty to involuntary manslaughter and use of excessive force.

A third officer will be tried separately on a charge of involuntary manslaughter. Three other officers were not charged.

In opening statements, Orange County District Attorney Tony Rackauckas said Ramos set the chain of events in motion when, after bantering with an uncooperative Thomas for more than 10 minutes, he snapped on a pair of latex gloves and told him, "Now you see my fists? They're getting ready to (expletive) you up." Ramos and another officer ran to Thomas with their batons drawn and began pummeling him, the prosecutor said.

Cicinelli, who arrived moments later, is accused of using a Taser on Thomas and hitting him eight times around the face and head with the blunt end of the stun gun.

Defense attorneys, however, said the reality was much different and their clients followed police protocol and did no wrong.

They faced a combative and aggressive suspect who appeared to have almost super-human strength as he continued to fight attempts to handcuff him even after additional officers joined the fight and despite being shocked with a Taser several times, said defense attorney Michael D. Schwartz, who represents Cicinelli.

The trial is not about "some bully cop who beat a homeless person to death," Ramos' defense attorney, John Barnett, told jurors. "This case is not about a homeless, helpless, harmless mentally ill guy. This case is about a man who made choices in his life- bad choices- that led to his tragic death."

Thomas had been taking methamphetamines since the 10th grade that caused him to have spontaneous, violent outbursts, Barnett told jurors.

He said Thomas' history of violence included attacking his 73-year-old grandfather with a fireplace poker in 1995 and trying to choke his mother, who took out a restraining order against him. Thomas was convicted of assault in the 1995 case, Barnett said.

Ramos' threat to harm Thomas with his gloved fists was conditional- only if he didn't start listening- and it was clear Thomas didn't take him seriously because he replied, "Start punching, dude," Barnett said.

A desperate struggle followed, with police officers fearing for their safety, Barnett said. They were so overpowered that they called a "Code 3"- an emergency call for all available officers to respond- three times as they tried to wrestle Thomas into handcuffs, he said.

"That means officers are in trouble. That means, we're losing this fight," Barnett said. "The amount of force they were using was not only not too much, it wasn't enough."

Much of the incident was captured on surveillance tape and audio recordings from officers' body microphones that promise to be the centerpiece of the trial.

In court, Rackauckas showed jurors a photo of the Taser, covered in blood, and the blood-soaked sidewalk where Thomas had struggled with police.

"He's pinned to the ground, he's face up, the back of his head is on the pavement and so there's no give there. Cicinelli repeatedly pummeled Kelly in the face, without mercy. In his own words, Cicinelli said that he `smashed his face to hell,'" Rackauckas said. "Kelly didn't really last very long after that. He continued to cry out to his dad for help, he pleaded for mercy, he kept crying out that he couldn't breathe."

Thomas' father, Ron Thomas, said outside court that watching the trial was like re-opening a wound, particularly because the defense was picking apart his son's past.

"That's all they have- to dirty him up and make him seem like this horrible drug-crazed person who was violently attacking the officers. But it's just not there," he said.

Follow Gillian Flaccus on Twitter at <http://www.twitter.com/gflaccus>

(Copyright 2013 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.)

Tweet Share in Share Share Comments

Trending Articles and Offers



Soursop fruit may kill cancer cells 10,000X better than chemo. Why is the FDA hiding it from you?



Don't be stuck with 20th century tech skills. Look ahead & stay on the cutting edge. Here's how.



DISCOVER HOME LOANS

Refinancing Your Home? Inquire About Your Adjustable Rate Mortgage Today With Discover®.



Get sensational year-end savings! See offers, promotions, rebates and clearance prices!

Comments

0 Comments KTAR Login

Sort by Best Share Favorite

Start the discussion...

Be the first to comment.

ALSO ON KTAR WHAT'S THIS?

Against long odds writein candidates seek Arizona governors office
5 comments • a day ago
Concerned — <http://www.kpho.com/video?clip...> where this guy picketed the ...

7 charged in Chicago gang signs machete attack
1 comment • a day ago
phantom258 — Irresponsible machete owners!

Big problem It took more video for the NFL to act as it should on Ray ...
6 comments • 2 days ago
Steve — Let me get this straight, the richest most powerful American sport, with all its influence, didn't know ...

Raven Nevermore
2 comments • a day ago
Michael D — Agreed. I liked that. More importantly, if it can be proved the NFL knew about the video, Roger needs ...

Subscribe Add Disqus to your site DISQUS



ON THE RADIO:	92.3 FM
ONLINE:	KTAR.COM
ON YOUR PHONE:	92.3 KTAR APPS
ON DEMAND:	92.3 KTAR PODCASTS
MORE:	ITUNES, TUNEIN, STITCHER
CALL IN:	602.274.6200
TEXT IN:	411923