OCDA Tony Rackauckas Opening Statement
Dec. 2, 2013

So what happened on that night of July 5th, 2011? Kelly Thomas was hanging out at one of his usual spots in Fullerton. Officer Manuel Ramos contacted Kelly and started asking different questions. This was routine for both Kelly and Manuel Ramos. Yet within the space of about 30 minutes, he'd be laying on the street in a pool of his own blood – unconscious and dying.

Ladies and gentlemen, this is my opportunity to make an opening statement as the judge has indicated. I'm here with Senior Assistant Jim Tanizaki and Senior Trial Attorney Keith Bogardus, and we represent the People in this State, the People of the State of California versus Manuel Ramos and Jay Cicinelli. An opening statement is not an opportunity to discuss the law. So I won't be discussing any legal definitions of second degree murder, implied malice or manslaughter. The judge will instruct you about all those definitions and the law at the end of the trial. All of those definitions will be included in then. Opening statements are an opportunity for attorneys to give you an idea or try to tell you what they believe the evidence will go so that when it is introduced during the trial it will have context.

I'd like to take this opportunity to thank you for your service on this case. We all very much appreciate your taking time out of your busy schedules to be here. This is an important case, and by the decisions you make here, you will be speaking as the voice and conscience of this community.

Ladies and gentlemen, the evidence will show that Officers Ramos and Cicinelli were experienced, well-trained police officers who did not conduct themselves as the trained, professional police officers they are supposed to be. Their conduct on this night was a major departure from legitimate police work. In their callous treatment of Kelly Thomas they crossed the boundaries of legitimate police work and broke the law -- the law against unlawfully killing a human being.

The evidence will show that Officer Ramos, the first officer to make contact with Kelly Thomas, made a series of choices that night that needlessly escalated this routine encounter into a deadly beating. He gratuitously initiated the use of force against Kelly Thomas, which was unwarranted and excessive.

And Corporal Cicinelli recklessly and repeatedly beat Kelly Thomas in the face and head with his Taser – which was constructed of hard, impact-resistant plastic material. And these heavy blows to the face, inflicted by Corporal Cicinelli, were an important role in the killing of Kelly Thomas. Then Corporal Cicinelli used the entire, heavy weight of his body to press Kelly Thomas into the pavement, restricting his ability to breath, which also contributed significantly to Kelly Thomas's death.

You will see that Kelly Thomas was reticent, unhappy about encountering Ramos. He was not entirely cooperative in the sense that he didn't give Ramos much in the way of direct answers to questions, but he was generally compliant. As you watch the video of this event, you'll see that Kelly Thomas was manageable, and he posed no threat of harm at all; either to the officers or to anyone else. His behavior wasn't the best, but it was not threatening.

Oh, the defense will bring out negative things about some of Kelly Thomas's past conduct. They'll drag out his 1995 conviction of assault with a deadly weapon, as well as his admission of using drugs during that time in his life.

Kelly's mother, Cathy Thomas, got a restraining order against Kelly at one point. She'll explain that this was an attempt to help on her part to try to get help for Kelly. But you will hear about an incident she

described in her declaration in support of the restraining order where Kelly held his hand on her throat during an argument.

On a few occasions, Kelly reacted badly when he was told by someone to leave one place or another. One of those times resulted in him being charged with misdemeanor assault and battery.

But, he was never threatening or violent toward the police, and on the night of July 5th, 2011, he posed no threat at all to the police or to anyone else. And that's the night that you're here to judge.

Kelly Thomas was a young man. His red hair and full beard were long and disheveled – his clothing was unkempt. He was about five feet, nine inches tall, and of thin build. He was easily recognizable as homeless – transient. He was very clearly among the most vulnerable of people in our society.

He mostly hung out in the Fullerton area. He slept in alleys; maybe in dumpsters; maybe with cardboard boxes for covers.

His conversation seemed to go in and out – sometimes making sense – sometimes not.

Life was clearly a daily struggle for Kelly Thomas.

Manuel Ramos was a patrol officer for the Fullerton Police Department. He had 10 years of experience. He was healthy, well-nourished, strong, fully trained and fully equipped to do his job – to serve and protect.

His authority was very clear and conspicuous for all to see. He had the black and white car with lights and siren, the uniform, the badge, and he was also equipped to use force if necessary. He had a gun, a police baton, a bulletproof vest, hand cuffs and other equipment as well.

And he knew very well that he was not alone. Based upon his training and experience, he knew that if he made an emergency call for help, other police officers would rush to his aid, and they would be there to assist – in a heartbeat. The Fullerton Police Department was only about a minute away from the scene where Kelly was killed.

In short, Officer Ramos was entrusted with the full authority and power of our government to do his job – of keeping the peace – in the City of Fullerton.

And Jay Cicinelli? He held the rank of corporal for the Fullerton Police Department. He had 9 years of experience with the Department. He too was healthy, well-nourished, strong, fully trained and fully equipped to do his job – to serve and protect. He was also entrusted with the full authority and power of our government.

So with this awesome power and the ability to use force and the authority to make arrests, come limitations. Our police officers have extensive training, and they are required to act within the law.

There will be testimony regarding the amount of force an officer may properly use to force compliance with his or her lawful orders. Of course it's recognized that during the course of police work it becomes necessary to use force at times – reasonable force. To properly perform their duties, officers are vested with the authority to use reasonable force. But the force must be necessary and reasonable, or else it's excessive.

In this case the evidence will show that Officer Ramos' conduct fell far below the standards of reasonableness required of police officers time and time again during the course of this encounter, and Corporal Cicinelli also violated these standards in his use of unnecessary, unreasonable and excessive force.

Defendant Ramos didn't like Kelly much. Actually, it appears that he didn't like him at all. We don't know the actual number of times Kelly and Ramos crossed paths during the couple of years before this final encounter when Kelly was killed, but their meetings were numerous and not pleasant. These meetings tended to consist of Ramos approaching Kelly and telling him to get moving. He would say such things as "People don't want you here." "We don't want you hanging around here." "Why don't you go sleep over there – in Placentia?" "Take your junk and leave. Don't fold it. I don't have time for that. Ball it up in a ball and take it. Get it out of here."

At one point, in July of 2009, when they were having one of these meetings, Ramos said to Kelly Thomas: "Have you ever been hit with one of these things?" He was apparently referring to his police baton. Kelly responded, "Yeah." Ramos, "How'd it feel?" Kelly, "Uh, it hurt."

One time, when Ramos was kicking Kelly out of an area, he said in a low voice to a bystander that Kelly was not all there mentally. He went on to say, "There's nothing physically, physically wrong with him just…Mentally, mentally wrong."

On another occasion, in August of 2010, a citizen was concerned about Kelly sleeping behind a building by an electrical box. He pointed Kelly out to Officer Ramos as the person who had been sleeping there. Ramos told Kelly to leave, and he warned him that if he didn't leave, the next time he sees him, that he's goes there he's going to jail. Then he asked Kelly if he understood. Kelly replied "Yeah", that he did. Ramos then told Kelly to repeat what Ramos had just said. Kelly replied, "Nuh-uh." Ramos said, "No? What don't you understand?" Kelly said: "Um. I don't know." Ramos said: "What do you mean you don't know?" Kelly said: "I don't know." Ramos said: "What do you mean you don't know; you speak English?" Kelly said: "Yeah." Ramos said: "Well why don't you understand me, it's pretty simple."

When Kelly wanted to go back to where he had been sleeping to retrieve his belongings. Ramos said they had already been thrown away. Kelly said he wanted to go look. He explained that he needed his shirt and wanted a smoke, but Ramos repeated "There's nothing there for you, it's already thrown away." Ramos didn't let Kelly go look for any of his things, not even his shirt. In fact, when he wound up telling Kelly to leave and Kelly wanted to go back that way, he wouldn't even let him go in that direction, he had to go a different direction. He ordered Kelly out of the area.

So well before the incident of July 5, 2011, Ramos' bullyish attitude and conduct toward Kelly were well established, and fell far below the standards of conduct that are expected of a police officer's especially in their official contacts with the public.

So getting to the evening of July 5, 2011, a few minutes before 8:30 pm, a call came into the Fullerton Police Department saying there was someone in a parking lot who appeared to be trying car doors.

Ramos was first on the scene. His job was to investigate a question of car tampering. He contacted Kelly, who fit the description of the person. He was shirtless with a back pack on his back. Officer Wolfe arrived in a separate car within a very short time to investigate the same call.

The location was the area of the Fullerton Transportation Center in the city of Fullerton. You can see this is a part of the city of Fullerton that's a busy area. You can see the intersection here of Harbor Boulevard and Commonwealth. We have an indication of the location of the incident here. This is the area of the Fullerton Transportation area. You can see this is the train station below here and bus depot here and the bus dock where the busses stop. This is the place where the incident occurred.

On a summer night, about 8:30 pm like this July 5th on a summer night. This is a Spaghetti Factory here, and there's some other restaurants and establishments in the area, so there's gonna be people walking back and forth enjoying the accommodations there. Other people may be getting on the bus going here and there. The Fullerton Police Department is right up here. You can see how close it is. The proximity of the Fullerton Police Department, it's a drive, might be a minute away, like three blocks, it's close. A little closer up aerial photo, by the way, north is to the top of these photos. You can see the incident location in red. The train depot, the bus depot where the busses stop. The Slide Bar is right up here on the upper left of this aerial photo. The Slide Bar is the establishment where the call came from to say that there was someone in the parking lot trying car doors, car door handles. You can see the proximity of the Slide Bar, just a little ways from where the incident occurred.

Also police officers have digital audio recorders that they wear on their belts they refer to those as DARs. The digital audio recorders can record conversations and other sounds that take place during whenever there's something going on. You'll be hearing that. Let back up here, one.

One thing to let you know is that there is a surveillance camera here on a pole that looks out over this general area, and that surveillance camera picked up the things that took place here, they picked up this incident. Without that, we wouldn't have a good record of this whole thing.

The camera is silent; it doesn't have any sound to it, but the digital audio recorders, DARs, that the police officers wear on their belts does record the conversation and the other sounds. So what we have is the video from the camera has been synchronized with the audio from the digital recorders so you can see the incident and hear the things that are taking place at the time. Some parts of this beating that took place go out of view of the camera for a while.

This is just right after officers Ramos and Wolfe assault Kelly with their batons. But while it's out of view of the camera, you will be able to hear everything and overall you'll be able to see and hear enough to understand very well what took place here.

Of course, the video will be presented as evidence during the trial and also you will have it to review further during your deliberations if you find that to be necessary.

You will be able to see by looking at the video that this started as a routine matter between the police (Officers Ramos and Wolfe) and a homeless person (Kelly Thomas), but it didn't proceed routinely, as it should have. Instead, this entire incident was characterized by example after example of substandard police conduct, clear violations of police policy causing this routine matter to escalate into violence. That violence was such that it resulted in such severe trauma to Kelly Thomas that it caused his death.

Before going any further in describing this incident, I'd like to apologize briefly for some of the language I will be quoting. I hope everybody understands, for the purpose of the trial we have to have the evidence reflect what actually happened. I hope everyone understands that.

When the video evidence is played, you will see that as the encounter began, it appeared to be just another meeting between Manuel Ramos and Kelly Thomas. Ramos was twirling his police baton as he made contact with Kelly. Kelly engaged in some verbal banter with Ramos. Ramos asked Kelly if he was trying to open car door handles, and Kelly, who had in the past been challenged by Ramos about his ability to understand English, said, " I don't speak English, dude." He claimed not to speak English, of course, in English.

They went back and forth until Kelly said, "I don't know, I mean, what do you wanna know?" Rather than using this opportunity to get to the business of conducting a professional interview into what he was there to investigate, Ramos said, "I wanna know what kinda language you speak. Which language do you speak?"

Kelly responded, "Um, all kinds of languages." Ramos said, "Then name one, gimme one." And Ramos continued the banter until Wolfe came into the picture. Wolfe joined in with, "I speak Mongolian, Cambodian." Pretty soon Wolfe elicited from Kelly that he slept in trashcans in the Fullerton area. Then he asked Kelly if he'd like to go to sleep pretty soon. Kelly said that yeah, he would.

At one point Ramos said, "It seems like every day we have to talk to you about something…do you enjoy it?" Kelly responded, "Oh yeah it's great dude. I love bumping into you every day dude." Ramos said, "Really?" Kelly responded, "It's the greatest."

Soon Kelly asked again what they wanted to know. Then Ramos asked again whether Kelly was trying car doors, and Kelly said, "I don't even know what you're talking about." Ramos, claiming not to know what that means, said he needed a yes or no answer. Kelly said, "Well I don't know. I mean, I'm not getting into any cars or anything like that." Then they banter about that a little more until Kelly again said, "I don't know what you're talking about."

Then there was banter about Kelly's name until Ramos said, "Kelly Thomas. Is your real name Kelly Thomas?" Kelly said, "Yeah." Ramos said, "Kelly Thomas?" Kelly said, "Yeah."

Then the police seemed to lose track of Kelly's name again. Kelly said, "You know I'm not looking at any car doors, I mean what's the problem?" Ramos then said the problem was that he couldn't confirm who Kelly was, and he said he could take him to jail for suspicion of burglary.

And the banter went on. Kelly didn't want to tell him his name again, and Ramos threatened to take him to jail over it. Ramos said he forgot Kelly's name, and Kelly said he forgot it too.

They went back and forth.

When the officers asked about the backpack that Kelly had been wearing, Kelly said to go ahead and search it, and gave him the backpack.

Wolfe took the backpack, Ramos then told Kelly to sit on a little brick curb there while Wolfe went to the rear of his patrol vehicle to search the backpack. Wolfe was only a few feet away at the time, but he was out of view of the camera while he was looking through the backpack.

Kelly didn't want to sit on the little curb, and he was not immediately compliant, but then he did comply by sitting down.

Ramos then proceeded to give Kelly a series of instructions about how to sit. He told him: "Feet out in front of you. Hands on your knees. Ankles crossed. Feet out in front of you." Kelly would move from one direction to another and he'd say, "No, feet out in front. Ankles crossed. Hands on your knees." Kelly seemed to have difficulty understanding and getting into that position but he did get into that position that he was required to by Officer Ramos– but only for a short time. As the conversation continued, Kelly remained seated, but not really in the position that he was told to sit by Ramos.

For the next few minutes, while Kelly was seated, but not as Ramos told him to be, Ramos was quite lax about his orders. Now and then he would say something like, "Feet out in front of you."

During this time where Ramos was relaxed like this, he told Kelly that all he wanted to do was to figure out his name. Another person was walking by and he and Ramos had a friendly chat.

You can see on the picture taken from the video of course, you can see Officer Ramos here in a relaxed state not really paying attention at this point. Kelly is seated here on this little brick curve, he's got his legs out in front of him, but doesn't have his hands on his knees or anything. Somebody else that was a passerby basically said a few things to Officer Ramos and they had a little chat about some past thing about this person getting out of the hospital or a treatment center or something of that nature.

As time went by, and they waited in that position with Kelly seated on the brick curb, Kelly volunteered to be taken to jail. And here's what he said, he said, "Just take me to jail dude and just get it over, please, please, please. Can we just go please?" And you can see he puts his hands up surrendering to be cuffed to be taken to jail.

So how does Ramos reply? "I'm not ready. I'm not ready, yet."

It is so very clear that Ramos had no concerns about Kelly representing any sort of threat to the officers or to anyone else for that matter. He was casual about the entire matter. He just continued the banter with Kelly while he waited to find out what Wolfe might get from the backpack. At one point Ramos said, "All I need to know is your name and your birthday and you're going to be on your way."

This was about 13 minutes into this detention, and, other than a few questions to Kelly about trying car door handles, there hadn't been any real investigation about the alleged car tampering. Although the Slide Bar was very close by, neither officer made any attempt to contact the complaining party. No attempt to get a statement about what she had seen happening in the parking lot. Where did this happen in the parking lot? Where was she when she saw something. Which cars might have been touched, if any? They didn't even have the complaining party verify that Kelly Thomas was the person she had seen in the parking lot.

After a few minutes, Ramos went to Wolfe's vehicle, and he and Wolfe discussed the back pack's contents. It contained mail that appeared to belong an attorney and not to Kelly. Wolfe suggested checking to see if

the attorney was a victim of theft. Ramos then said, in a low voice, "Fucken take him for 496." (496 is the Penal code section for receiving stolen property). Then he muttered, "Get a call on him every night."

Wolfe called dispatch to see what he might find out about this mail, but Ramos did not wait.

There was a change at this point – a significant change for the worse. This was the turning point where Ramos went from casual to malicious. From this point forward Ramos treated Kelly with outright malice. He re-engaged Kelly, but this time with a menacing attitude. He started barking out commands: "Feet out in front of you…feet out in front of you…I'm tired of fucking around …I'm not gonna be nice anymore***I tried to be nice…"

Kelly was seated on the small brick curb with his feet out, and Ramos stood over him in a menacing manner continuing to bark out these orders and made a show of putting on latex gloves right in front of Kelly's face. He makes sure that Kelly is seeing him put the latex gloves on. He's making a show out of it, not a discrete way to put these gloves on.

Back to the back of that car for a second, when Ramos left Wolfe and turned his attention back to Kelly, he had no questions for Kelly. He didn't ask any questions about the backpack or anything about the contents of the backpack. He didn't tell Kelly anything about possible possession of stolen property. He made it very clear that he had no patience for Kelly either. He got right to the business of putting on the gloves. This car tampering question seems to be a thing of the past at this point.

Then he approached Kelly more closely than before. Kelly was still sitting in his same position. He actually got his hands closer to his knees looking completely compliant at this point. Ramos took a menacing posture over Kelly and put his gloved fist in front of Kelly's face and said in a low, voice, "Now you see my fists?"

And I want to read from the transcripts at this point. Ramos is holding his fists right in front of his face, "Now you see my fists?"

Thomas, "Yeah, what about them?"

Ramos, "They're getting ready to fuck you up."

Thomas, "Start punching dude."

Ramos, "You don't fucking start listening."

Thomas, "It sucks."

Ramos, "Yeah. Put your fucking hands on your knees."

In this very short time before Ramos actually putting hands on Kelly, Ramos did not say anything to Kelly about arresting him for possession of stolen property or that he was taking Kelly into custody. He didn't give Kelly any indication whatsoever that what was about to happen was legitimate police business. No, he commanded him to sit in a very vulnerable position.

Without even telling Kelly to stand, Ramos started pulling on Kelly's upper arm, like to force him into some different position.

When Ramos began yanking on Kelly's arm, Kelly stood and began stepping backward, away from Ramos. Ramos yelled, "Get on the ground. Get on the ground."

Now take a look at that picture. Ramos is yelling, "Get on the ground. Get on the ground." He was holding his baton up high, two hands, and in striking position. At the same time Wolfe was running at Kelly from the back of the car, he's running towards him and he's got his baton out too in striking position. So both of these officers are running right at Kelly with their batons out, yelling, "Get on the ground!"

You can see, in the video, you'll see for yourself, that Kelly was scared. He was clearly overwhelmed with deep, abject fear.

Wolfe struck the first blow, then Ramos. Kelly ran as fast as he could, but to no avail. They cut him off and took him down.

As you watch the video, you will be unable to see the violence that was taking place for a short time because they went out of view of the camera, but you can hear very clearly. You will hear scuffling, and Kelly saying, "Ouch…okay…I'm sorry. I'm sorry." He repeated many times over and over again in the most desperate, crying voice that he was sorry. Like a young boy just begging for the punishment to stop.

The two officers continued to press in on Kelly while ordering him to put his hands behind his back. Kelly hollered, "Okay, okay." But he couldn't comply.

When they came back into view of the camera, Kelly was on the ground in a very awkward position with the weight of the officers on him. They were pulling and pushing him and dragging him on the pavement. The way it looks and sounds, it just doesn't seem like Kelly was at all able to comply with the officers' demands from the position he was in.

And he cried out, "Okay. I can't dude." Ramos commanded, "Hands behind your back." Kelly cried, "Oh…I'm sorry dude. I can't breathe dude." Then Kelly repeated over and over again that he couldn't breathe. Ramos and Wolfe continued to bear down on Kelly, pummeling him with knees, elbows and forearms and dragging him on the street.

They continued to give him orders. While he was in this terrible state of panic, they told him to relax his hand. Kelly continued to say such things as: "Okay…Here dude…Please…I can't breathe man." He repeated over and over again that he was sorry.

Then Corporal Cicinelli arrived and looked things over and started telling Kelly to stop resisting. Kelly started calling for his dad, "Please dad…dad…help me." Cicinelli had his Taser out and said, "Hang on do you wanna Taser?" Kelly, "Seriously don't, no…please…OW." He screamed in pain as the electricity surged through his body. You'll hear the loud zapping sound of the Taser as Cicinelli Tasered Kelly again, then again – obviously inflicting the most severe pain. Kelly appeared to have been quite unable to do whatever it was that the police officers were demanding of him.

At this time, Corporal Jay Cicinelli made an important choice. He hesitated for a moment. There were three other officers there at this point. Officer Hampton had arrived as further back-up just a few seconds

after Cicinelli. Kelly was being held down, dragged and body punched. He was screaming, crying and begging. Cicinelli decided to use his Taser as an impact weapon on Kelly's face. It's made of hard, impact-resistant plastic material, so it's virtually unbreakable.

Cicinelli jumped on the dog pile on top of Kelly who was on his back pinned to the ground. You can see in this picture, Defendant Ramos is here at Kelly's feet and he's holding him down by his legs. This is Officer Wolfe, who is on top of Kelly Thomas, holding him down. This is Officer Hampton, who is standing. And you can see Defendant Cicinelli. Note, this is Defendant Cicinelli's arm. And it's hard to see it in the picture, but he has a Taser in his hand. You can see he's holding this Taser up. He's getting his arm up there high so he can take a real blow. Down onto Kelly Thomas' face.

Now Kelly Thomas is down on the ground, he's pinned to the ground. He's face up, the back of his head is on the pavement, 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."

Kelly didn't really last very long after that. He continued to cry out for his dad to help. He pleaded for mercy. He kept crying that he couldn't breathe.

The officers continued to press their weight on Kelly's lungs and push him into the pavement and hog tie him. Ramos continued to hold onto Kelly's legs, not letting him have any leverage; not letting have the opportunity to possibly squirm out or something like that. You can see here Officer Ramos holding onto Kelly, but this is Officer Cicinelli up here. Leaning on the car, this is the patrol car. Defendant Cicinelli is leaning on this patrol car using it as leverage so he can put the weight of his body on Kelly Thomas.

Other officers continued to arrive at the scene throughout this ordeal. You can see here, count six officers. Before Kelly stopped moving, there were no less than six police officers there.

At no time during this entire ordeal did Manuel Ramos ever suggest that maybe Kelly had had enough.

While Kelly was being hog tied, Ramos remarked, "There's fucking blood everywhere." Kelly was crying, "Dad help me. Dad help me." He asked God for help. He said, "God, help me, please." The officers were conversing with each other about completing the hog tie while Kelly was saying, "I can't breathe. Oh ow sir ow ow."

His last words were, "Dad, they're killing me, dad, they're killing me dad…daddy…daddy." You will hear his voice drop to a deep low groan as he barely pushes out the words, "Daddy…Daddy…Daddy." The officers were talking amongst themselves during this time. They weren't showing any concern for Kelly's welfare. Kelly fell unconscious, and would never recover.

The paramedics arrived while the officers were standing around talking. The paramedics saw that Kelly was not conscious, and his breathing was described as agonal, meaning near death. Some of the officers took the opportunity to show the paramedics their bumps and scratches. Here's what those looked like. You can see Officer Ramos had an abrasion on his elbow and he had another abrasion on his knee that didn't bleed. And Officer Cicinelli had some kind of broken skin area on one of his thumbs.

So the paramedics then got Kelly Thomas into the ambulance, when they got him into the ambulance, this is the scene that they left. You can see Kelly Thomas' blood there at that particular location.

The paramedics took Kelly to the closest hospital, which was Saint Jude's, to get his air passage cleared of blood and any other possible obstructions. A breathing tube was inserted into Kelly's throat at Saint Jude's. Then they took him to the UCI Trauma Center for further treatment. Kelly remained in an unconscious state. He was treated at UCI Trauma Center and he was pronounced dead five days later.

He died from a lack of oxygen supply to the brain. His body needed more oxygen because of the beating, but his breathing was restricted because of the weight of the officers and the blood running down his nose, his mouth and his throat. It all added up to more than his body could withstand.

A sample of Kelly's blood was taken at the hospital for testing. The blood tests were negative. There was no evidence of any alcohol or drugs in his system.

We'll be offering testimony from the doctor who treated Kelly as well as the autopsy surgeon. They will explain how Kelly died from a multitude of injuries that he suffered at this beating as well as how the combination of these many traumatic injuries resulted in the death of Kelly Thomas.

There is just one more item of evidence I would like to bring to your attention at this point. It's important.

After the incident, when Kelly was being taken in the ambulance, the police were trying to identify who this person was. You will hear the radio communications of Corporal Ema making radio contact with the dispatcher at the Fullerton Police Department in an attempt to identify the person who had just had the encounter with the police. He asked the dispatcher to try the name John Noble. Corporal Ema said he had taken that name from an envelope, probably from the backpack. That name was ruled out because of his 1949 birthdate. Kelly was clearly much younger than that. Then you'll be able to hear Ramos contacting the dispatcher over the radio saying, "Can you try Kelly Thomas? He's about 40 and he has an AKA in, Placentia." In a few seconds the dispatcher responded, "Firm on Kelly Thomas in RMS (the Department's record management system), April 5th '74 (referring to his date of birth), shows grandma lives in Placentia and he's homeless." Ramos said, "10—4" and "that's him." The dispatcher responded, "10—4."

So it was Manuel Ramos, the person who claimed to be unable to confirm who Kelly was, who made the identification of Kelly – in the space of just a few seconds.

When all is said and done, ladies and gentlemen, the evidence will have made it abundantly clear, far beyond any reasonable doubt, that the conduct of these two officers who are on trial here went far beyond anything that which is acceptable in a free society.

Defendant Ramos is guilty of the murder of Kelly Thomas, and Defendant Cicinelli is guilty of manslaughter.

Thank you.