Excerpts of the LAPD Trial Transcript

©2013 Ian C. Pilarczyk

1. **Prosecution Witnesses**

**Melanie Singer (LAPD)**

**Direct examination by Terry White (Prosecutor):**

…

A: As I reached the bottom of the hill, down on the bottom of Sunland itself, my vehicle was reading on the display at 115, and bouncing about 115 to 117 miles per hour....

Q: And what happened after [King] placed his hands on the roof of the car?

A: When he placed his hands on the roof of the car, the helicopter was overhead.  He then looked like he was saying something inside the car, then pointed up at the helicopter itself and began to wave at the helicopter with his right hand while his left hand was still on the roof of the car.

Q: Was he smiling?

A: Yes sir, he was smiling and waving.

Q: Now, was he smiling or was he laughing?  What was he doing?

A:  He appeared to be smiling.  I didn't hear any chuckles or outward bursts.

Q:  What happened next?

A: After he began to wave at the helicopter, my partner yelled at him: "I told you, get back from the car, get your hands where I can see them, get yourself on the ground."

Q: Now, other than your partner who was issuing commands, did any other officer issue any commands to the driver?

A: No, sir.

Q: What happened next?

A: When he moved away from the car, he dropped both of his arms away from the car down to his sides and turned his body in a north direction away to where his left side was now facing me and where I could not see his hand.  At that time, I withdrew my weapon, pointed it at the suspect--or the driver--told him to get his hands away from his butt.  At that time, he placed his complete body around toward where his rear end was facing me.  He grabbed his right buttock with his right hand and he shook it at me....Officer Powell came up to the right of him and in a matter of seconds, he took out his baton, he had it in a power swing, and he struck the driver across the top of his cheekbone, splitting the face from the top of his ear to his chin.  [Note: this type of injury was noted in the post-incident or hospital report]

Q: Prior to Officer Powell hitting him with a baton, did anyone give the driver any type of commands after this second taser shot that you described?

A:  No, sir.

Q: Was there any reason for the strike to the head by Officer Powell at the time he struck him?

A:  In my opinion, no sir, there was no reason for it.

**Cross-examination by Michael Stone (Defense Attorney)**

Q: Well, you described in your earlier testimony, and you just reiterated, the skin was split from the ear to the chin, was that right?

A:  Yes.

Q:  Does that [pointing to a hospital photo of King's face] appear to be sutured in that photograph?

A:  Pardon me sir?  No, sir.

Q:  Does that appear to be split in that photograph?

A:  No, sir.

Q:  Do you have any explanation for that?

A:  I saw what I saw, sir.

**Bryant (Pooh) Allen (Passenger in King’s car)**

**Direct-examination by Terry White (Prosecutor):**

Q: At that time did you know somebody by the name of Rodney Glen King?

A:  Yeah.

Q:  How long had you known Mr. King?

A:  Know King about all my youth’s life.

JUDGE WEISBURG:  How long?

A:  My youth’s life, about 12… years.

…

Q: And on the evening of March 2, 1991 did you see Mr. King?

A:  Say that again?

Q:  Alright, on the evening of March 2, 1991, did you and Mr. King get together?

A  Say March 1991?  March 3rd, 1991, yeah....

**Cross-examination by John Barnett (Defense Attorney):**

Q: So you told Mr. King to pull over and he didn’t when you said it the first time did he?

A:  Right.

Q:  You thought he might of been in shock, didn’t you?

A:  Yeah.

Q:  What do you mean by shock?

A:  He wasn’t doing nothing--he got stuck to whatever he was doing.

Q:  Well you thought he was acting pretty strange, didn’t you?

A:  Yeah.  I know he was acting strange.

Q:  You started getting more and more and more worried the less and less Mr. King listened to you, correct?

A  At one time I wanted to jump out the car, but I didn’t want to do that cause they think I done something.

Q:  You thought he was acting crazy didn’t ya?

A:  Acting strange, yeah.

**Timothy Singer (LAPD)**

**Cross-examination by Michael Stone (Defense Attorney**

Q:  Where did Mr. Powell strike Mr. King with the baton?

A:  The right side of his head above the ear.

Q:  What happened then?

A:  Mr. King continued towards me and…Office Powell delivered another blow.  The thought came through mind, "How can he do this?"

Q:  When you mean "he," who are you referring to?

A:  Officer Powell.

Q:  And what was Mr. Powell doing that you are referring to?

A:  Striking Mr. King in the head.

Q:  And what was it about this what did you think about this?

A:  Well, I knew it was against CHP policy to strike someone in the head and…results could be deadly.  So I just knew it was wrong so that’s exactly what went through my mind: "How can he be doing this?"

1. **Defense Witnesses**

**Stacey Koon (LAPD)**

**Direct examination by Darryl Mounger (Defense Attorney):**

…

Q: And you said you observed him [Rodney King] to be “buffed out”.  Would you please describe to the jury what “buffed out” means to you?

A:  “Buffed out” is jargon that I have come to associate with very muscular, in other words, an individual that is very pumped up as far as muscles.

…

Q: With regard to your state of mind, what were you thinking when you saw this buffed up person?

A:  My initial response is that he is probably an ex-con….CHP Officer Melanie Singer began approaching the suspect with a gun in hand.

Q:  And how close does she get to Mr. King?

A:  I’d approximate about from the distance from you to the edge of the jury box, about 5 or 6 feet.

Q:  And did you say anything to Officer Singer?

A:  Yes sir, I did.

Q:  And what was that?

A:  I ordered her to stay back.

Q:  And why was that sir?

A:  Because she was injecting a gun into the situation and my tactical training had lead me to believe that you don’t approach suspects [who you] do not control [with] a gun.....The next thing I saw was Officer Powell is thrown off of Mr. King and Officer Briseno is struggling to get away.

Q:  Alright, when you say “thrown off”, can you describe for the jury what you mean by thrown off, what position he was in?

A:  Well Mr. King’s left arm was behind him and Officer Powell was on his back and Officer Briseno was trying to force the arm up to meet so the wrist would match behind the cuff and all of a sudden Mr. King’s arm just came out from him and they swayed to the left and swayed to the right and Officer Powell was thrown off and Office Briseno kinda of landed on his behind.  I ordered them to back off and then I tased the suspect, Mr. King.

Q:  Alright, did you say anything to him before you tased him?

A:  Yes sir, I did.

Q:  What did you say to him?

A:  He was on the rise and I ordered him to get down, to lay down.

Q:  Alright, alright, tell the jury what you mean by “on the rise”, sir.

A:  He had initially gone out flat and after the rolling motion he had kinda come up to his left side and his torso was off the ground and his legs were cocked and he was attempting in my opinion to rise off the ground.

Q:  And did you say anything to him?

A:  Yes, I told him, I ordered him to lay down, to get down.

Q:  And did you say this in a normal tone?

A:  No, I shouted it at him, I advised him or told him that if he didn’t get down I was gonna tase him.

Q:  Alright, and did he stay down?

A:  No, he did not.

Q:  What did he do?

A:  He continued to rise.

Q:  And what did you do?

A:  I tased him.

Q:  Did you see any physical movements of Mr. King?

A:  No, he grimaced, he kinda gave out like a bear-like yell.

Q:  And what did he do then?

A:  He continued to rise.  He got up to his knees and he began to turn 180 degrees toward me then.

Q:  And what happened then?

A:  I ordered him again to lay down, to get down….He continued to rise.  He came up, he continued to rise to his feet and I tased him a second time.

Q: And what did he do after you tased him a second time?

A:  He repeated this….groan similar to like a wounded animal and then…I could see the vibrations on him but he seemed to be overcoming it..... This time I thought the suspect was under the influence of PCP.  PCP is a dangerous drug, it’s kinda like a policeman’s nightmare that the individual that’s under this is super strong….they have more or less a one track mind, they exhibit super strength, they equate it with a monster is what they equate it with.....

Q:  You see the officers [on the videotape, being shown in the courtroom] giving a ton of blows to his body.

A:  Yes, to his arms, to his torso, to his legs.

Q:  Alright, have you given any specific direction to Mr. King at this time?

A:  I’ve been yelling at him to get down, to stay down at this time.

Q:  Alright, and has he gotten down sir?

A:  No, sir he continues to rise.

Q:  And what are you thinking now sir?

A:  I’m getting…concerned, scared; I’m getting a little frightened here now because this gentlemen has just been subjected to a multitude of blows with a metal PR24 and there is no evidence that he is going to go into compliance mode....

Q:  Sgt. Koon, at this point and time does this incident has just gone on for several seconds, is that correct?

A:  It, it does seem like eternity, but it has gone on several seconds, yes.

Q:  Alright, and Mr. King has been hit several times?

A:  He’s been hit a lot of times.

Q:  And at this point do you believe he is trying to get up?

A:  Yes, I do.

Q:  And what did you think he was trying to get up to do?

A:  That he was going to get up and arm himself and possibly attack Officer Winn here in the background, Officer Powell, Office Briseno.

Q:  During this entire incident, do you believe you were in charge of your officers?

A:  Yes, I was in charge of my officers.

Q:  Do you believe your officers did anything improper?

DEFENSE ATTORNEY: Objection, irrelevant.

JUDGE WEISBURG:  Overruled, you can answer the question.

A:  This was a managed and controlled use of force.  It followed the policy and procedures of the Las Angeles Police Department and the training.

Q:  How do you view looking at this videotape sir?

DEFENSE ATTORNEY:  Objection, irrelevant.

JUDGE WEISBURG:  Overruled, you can answer the question.

A:  It’s violent and it’s brutal.

Q:  Was this anything that you enjoyed?

A:  No.

Q:  Why was it done?

A:  It was done to control an aggressive combative suspect and sometimes police work is brutal.  That’s just a fact of life.

**…**

**Cross-examination by Alan Yochelson (Prosecutor):**

Q:  So you felt you were responsible for directing the actions of all the officers at the scene, is that right?

A:  Yes, sir.

Q:  And therefore you would have responsibility for the actions of the officers at the scene, is that correct?

A:  Yes, sir.

Q:  And when you gave directions to the Los Angeles police officers there, you take responsibility for all of their actions, correct?

A:  Yes, sir I take accountability and responsibility for all the actions.

Q:  Those that were within the law and those without that are outside the law?

DEFENSE ATTORNEY MOUNGER:  Objection, assumes facts not in evidence.

JUDGE WEISBURG: It’s argumentative, objection sustained.

Q:  When is deadly force authorized by the Los Angeles Police Department?

…

A:  When they are an imminent threat to you.

Q:  What kind of threat?

A:  Deadly threat to you.  They have to pose a deadly threat to you.

…

Q:  And what was Mr. King doing here that lead you believe that he was going to kill you or kill somebody?

A:  It was my belief and my perception that he was under the influence of PCP.  If he had grabbed my officer it would have been a death grip.  If he had grabbed the weapon, he would have had numerous targets.

Q:  He didn’t grab anybody during these events did he?

A:  No, sir he did not.

Q:  He didn’t kick anybody during these events did he?

A:  No, sir he did not.

Q:  Is it your testimony that you were approaching the point where deadly force was going to be required?

A:  Yes, sir it is.

Q:  And your option would have been to shoot him?

A:  To kill or to shoot sir.

Q:  But because of what you have just spoken about with respect to the choke hold your only option left would have been to shoot him, is that right?

A:  Yes, sir I personally, I personally would have applied a choke hold to Mr. King prior to ordering him to be shot.

Q:  So you would have gone in and used this choke hold, is that right?

A:  I personally, I would not have delegated that to any officer....

…

Q: In watching the videotape now, is it your testimony that every one of the blows that you see on there is a justified use of force?

A:  It’s a reasonable and necessary using of the minimum force, yes, sir that is my testimony.

Q:  In all your years of experience Sergeant have you ever seen a worst beating applied by officers of the Los Angeles Police Department?

A:  I’ve seen uses of forces of considerable violence, but I have not seen anything as violent as this in my 14½ years, no sir....

**Charles Duke (Expert Witness in Use of Force)**

**Direct examination by Darryl Mounger (Defense Attorney)**

Q:  What did Mr. King do, based upon your perceptions?

A:  Mr. King came from an outstretched prone position…raised up and turned and…appeared to run or charge at an officer.

Q:  Alright sir, and in this particular set of circumstances is a baton an appropriate weapon to use to stop that advance or escape?

A: Yes it is.

Q:  When he is in this position here, at 3:36:19, would it be appropriate to hit Mr. King with a baton?

…

A:  Yes I do, because once an officer’s attacked to allow the suspect to rise to his feet you allow the potential for…escalating the situation into a deadly force mode.  The suspect has his hand…flat on the ground…the arm appears to be cocked this…leg which would be his left leg appears to be bent coming up in a position in a…what appears to be a rocking position because of the bent leg here and the arm flat on the ground in a pushing position.

Q:  Assuming that an individual perceived him to be attempting to rise, would it be appropriate within the policy and procedure to strike that individual?

A:  Yes it would.

**Cross-examination by Terry White (Prosecutor)**

Q:  Sgt. Duke, when you first saw this videotape you were shocked by what you saw, weren’t you?

A:  I wasn’t shocked, no.

Q:  Um…when you first saw this videotape did you believe that ah…it possibly contained excessive force by these officers?

A:  I never form an opinion until I get all the facts.

Q:  Sgt. Duke, when you first looked at this videotape did you possibly believe that it contained excessive force?  Yes or no.

A:  I’d have to say no.

Q:  Stopping the video at 3:51:02, Mr. King is again on his knees, his upper body raised off the ground, is that correct?

A:  That’s correct.

Q:  Alright, now is this particular sequence that we just seen from the point and time where it was started to now where it stopped at 3:51:02 um…have you seen Mr. King swing at anyone?

A:  No I haven’t.

Q:  Ah…Have you seen him punch at anyone?

A:  No, I haven’t.

Q:  Okay, his only movement is…rising off the ground, is that correct?…Still aggressive enough in your mind to justify the continued use of this deadly weapon?

A:  Yes.

Q:  What movement have you seen by Mr. King ah…at this time?

A:  He had his uh… knee in a cocked position and the baton blows struck and it straightens it out.

Q:  The baton blows straightens out his leg?

A:  It caused it…him to move his legs straight in a straight position.

Q:  What do you think caused it to move into that straight position--from pain?

A:  I don’t know.

Q:  Does Mr. King need to be unconscious for you to say he is not aggressive?

A:  No.

….

**Laurence Powell (LAPD)**

**Direct examination by Thomas Stone (Defense Attorney)**

…

A:  I saw the blank stare [of Rodney King], the slow stiff movements and he wasn’t complying with the verbal commands and I could see sweat glistening on his face.

Q:  Did his conduct…figure into your evaluation?

A:  Yes, it did.

Q:  In what way?

A : I was…scared that this guy was under PCP.

Q:  In your mind was it safe to approach him at that point?

A:  No.

Q:  Why? Why did you approach him at that point?

A:  Sgt. Koon told me to.  I walked up to the left side of Mr. King and reached down and grabbed his left wrist and placed my right hand behind just behind his neck on his back and tried to pull the arm out from underneath him.

Q:  What was your reason for doing that?

A:  I wanted him to be lying on the ground so I could handcuff him. Mr. King took his arms and broke free of my grasp and the other officers’ grasp put him down on the ground in a push up position raised up his torso and knocked me off and I fell backwards and landed on my rear.

Q:  When this happened did that concern you?

A:  Yes.

Q:  Why?

A:  Well…I had all my body weight on top of this guy and in a matter of second he had done a push-up and had knocked me off and wasn’t complying with the handcuff and he was resisting….

Q:  As you were…struggling or tugging on his arms were you assessing anything?

A:  Yes, he had the great strength and resistance in his arms and you can feel that. I could feel it and I could see I he had very powerful arms, this was a big man.

…

Q:  Was there ever a time when you…swung your baton in forward and reverse power strokes and struck Mr. King in the jaw or face?

A:  No.

Q:  Tell the jury what you remember about that charge.

A:  Just remember…I had no time to react it was practical a head on collision where I had to step aside, and I had my baton out but I wasn’t able to swing it and get in the swing.

Q:  Let’s stop there now….[in] which direction Mr. King was coming toward you if that was the case, and how you were facing him if you were?

A:  Yes, he was coming straight towards me and I was facing directly at him. [After I struck him]…I saw his head bounce back up and then his arms came in underneath him and he went into an push- up position again raising his torso off the ground and bringing his legs in.

Q:  And… what did you do then?

A:  I hit him with the power stroke on his right arm and yelled at him to get down on the ground.

Q:  Now, why did you do that?

A:  Because I didn’t want him to get back up again.

Q:  Why not?

A:  Because he’s a danger, he charged me once, he attacked me twice; I’ve already been attacked and he’s getting up again.

…

Q:  Describe your mental state at the time you were striking him.

A:  I was completely in fear for my life, scared to death that if this guy got back up he was gonna take my gun away from me or there was gonna be a shooting and I was doing everything I could to keep him down on the ground.

…

Q:  Let me ask this.  Did you yourself say anything about hitting home runs [with Rodney King while he was in the hospital]?

A:  No.

Q:  Did you hear or say anything about playing baseball?

A:  No.

Q: About hardball?

A:  No.

Q: Did you have any conversations like that at all with Mr. King?

A:  Just the actual comment.

Q:  So the answer is?

A:  No.

Q:  Did you have any conversations with any other officer in that immediate area about any of those things that I have mentioned?

A:  No.

**Cross-examination by Terry White (Prosecutor):**

Q:  When you type something into the [mobile police car computer]…do you think about it before you type it?

A:  Usually, yes.

Q:  Alright, usually you think about what you want to type and then you type the word in, is that correct?

A:  That’s correct.

…

Q: You replied to her, "Sounds almost as exciting as our last call.  It was right out of "Gorillas in the Mist."  And she replied, "Hahaha.  Let me guess who be the parties," you remember that don’t you?

A:  Yes.

…

Q: Now this incident that you are referring to, this last call "right out of Gorillas in the Mist"--it involved a family of African Americans didn’t it?

A:  Yes, it did.

Q:  And in your description of these individuals you called them gorillas didn’t you?

A:  No.

Q:  Okay, now this call that involved these African Americans, was it in a jungle?

A:  In a what?

Q:  A jungle.

A:  No.

Q:  Was it at the zoo?

A:  No.

Q:  Were there any gorillas around?

A:  I didn’t see any.

…

Q: Okay…did you see anything regarding Gorillas in the Mist while you were at that location?

A:  Did I see anything?

Q:  Yes.

A:  No....

Q:  Officer Powell, you used excessive force when you beat Rodney King, didn’t you?

A:  No, sir.

Q:  Office Powell, you used inappropriate conduct in that incident with Rodney King, didn’t you?

A:  No, sir.

Q:  Why did you tell Corina Smith, "I haven’t beaten anyone this bad in a long time"?

A:  That’s common police jargon when you talk from policeman to policeman, kind of a professional jargon.

Q:  Professional jargon?

A:  Yeah.

Q:  So you go up to someone and say, "How many people did you beat today"?

A:  I don’t do that, no.

…

Q: Alright, at any time during this evening did it go through your mind that this was not a human being that you were beating?

A:  No.

…

Q: All right, he wasn’t an animal was he?

A:  No, sir.  Just acting like one.

Q:  …He was just acting like one?  Was he acting like a gorilla?

A:  No, sir.

Q:  But he was acting like one because of the sounds he was making?

A:  No, sir, because of his uncontrollable behavior.

Q: You allowed this man who you considered a threat to get up off the ground and move toward you, didn’t you?

A:  I didn’t allow him, he did that.

…

Q: You could have, as he moved, as he attempted to get up, you could have moved toward him couldn’t you?

A:  Yes.

Q:  You could have moved toward him and struck him to keep him on the ground?

A:  Not in this situation I couldn’t have.  I didn’t have time.

Q:  Officer Powell, you wanted him to get up, didn’t you?

A:  No, sir.

Q:  You wanted him to move toward you, didn’t you?

A:  No, that’s not what I wanted.

Q:  You wanted to hit him in the head with the baton, didn’t you?

A:  No, sir....

**Theodore Briseno (LAPD)**

**Direct examination by John Barnett (Defense Attorney):**

…

A: Mr. King came up into a kneeling position, like this, hitting me in the chest and causing me to fall, landing in like a ‘backwards crab’ position I would call it.

…

Q: All right, and so you lost control of Mr. King at that point?

A: Yes, sir.  I thought Mr. King was under the influence of a…probably PCP.

Q: And…what was that based on?

A:  From when I saw him get out of the car, from his walk, his stare, when I grabbed a hold of him he was sweaty and the fact that he had been shot by a taser and didn’t go down....

Q:  Now you saw power forward and reverse strokes, did you see the area where um…these baton blows were striking?

A: Yes.

Q:  And where was that?

A:  It appeared to be from the shoulder up.

Q:  All right. Now at that point what were you thinking?  At the point where these power and reverse strokes were being delivered, what were you thinking?

A:  I was thinking that they…he was delivering them to the head.

…

Q:  And I am going to stop at 3:40:23….and what are you doing?

A:  This is what, stopping Officer Powell.

Q:  All right…why are stopping Officer Powell?

A:  Because what I recall is that I didn’t see Mr. King moving and I thought Officer Powell…Officer Powell was out of control then.

Q:  So what are you trying to do?

A:  Stop Officer Powell.  Like I was telling you I just…I didn’t understand what was going on out there.  I just didn’t understand it.  It didn’t make any sense to me.  I couldn’t see why they were doing what they were doing….It was like he moved, they hit him.  I couldn’t see it.  I didn’t understand it.  I couldn’t understand… I thought, you know, I understood a lot of things that night but I’m thinking evidently they saw something I didn’t see....

Q:  I stopped it right at 4:28:18.  Now is this when you have contact with Mr. King?

A:  Yes, sir.

Q:  And where is that contact?

A: On that evening it was on his left shoulder.

Q:  All right, now are you trying…trying to hurt Mr. King at all?

A:  No, sir.

Q:  Are you trying to punish him in any way?

A:  No, sir.

Q:  Have you um…what do you hope to accomplish by putting your foot in that position?

A:  Well, I’m hoping he’s going to stop and the officers will back away.

Q:  You’re hoping that Mr. King is going to stop moving completely?

A:  Yes, sir.

Q:  And then you will be between Mr. King and the officers?

A:  Yes, sir.

Q:  And then what are you going to do?

A:  Drop down and hopefully I could cuff him.

….

[Discussion of Briseno’s conversation with his probationer]

A: I told my probationer that I was upset with the Sergeant…that God damned Sarge should of handle this a lot different, should of handled it a lot better and that the officers should have their asses reamed.

**Cross-examination by Terry White (Prosecutor):**

Q:  While Mr. King was on the ground did you see any movements that you would describe at threatening…to Officer Powell?

A:  Which time?

Q:  During these second series of baton blows.

A: No, sir.

Q:  Did you see any movements by Mr. King that could be defined as aggressive?

A:  No, sir.

Q:  Did you see any movements by Mr. King that could be defined as combative?

A:  No, sir.

Q:  Now eventually you put your hand on the…baton of Officer Powell is that correct?

A:  Yes.

…

Q:  Now when you made that movement, why did you do that?

A:  I wanted him to stop…Officer Powell to stop.

…

Q:  Why did you want him to stop striking Mr. King?

A:  Because I thought enough…Mr. King… I didn’t know what Office Powell viewed but what I saw I just thought there was enough force being used.

Q:  Would you say it was an unusual move on your part to step in and grab the baton of another officer?

A:  Yes.

Q:  You’ve never had to do that before, have you?

A:  No.

…

Q:  It was a drastic step because Officer Powell in your mind was going to continue to beat and beat Mr. King, is that correct?

A:  Yes.

Q:  You didn’t know how to stop this did you?

A:  No.

Q:  You tried to say something to the officers but that didn’t do any good did it?

A:  No.

…

Q:  So you went over and stomped Mr. King, isn’t that correct?

A:  No.

Q:  At the time you went over and placed your foot um…on Mr. King’s neck and shoulder area Mr. King was moving his hands behind his back, wasn’t he?

A:  I just saw his left arm.

Q:  Well, his left arm was moving in the direction behind his back wasn’t it?

A:  It was moving.  I didn’t recall what direction that night.

Q:  And there were no baton stokes at that time was there [when] you went in and put your foot on Mr. King’s neck and shoulder area?

A: No.

….

1. **Closing Statements**

**Michael Stone (Defense Attorney)**

…

There were many opportunities, I suppose, for Office Powell to avoid the risk and the threat to his own personal safety that was occasioned by the incident that these officers confronted that night.  But he determined to stand his ground.  He determined to take the necessary steps to do his duty.  And as a result of those choices that he made that night on March 3, 1991, early in the morning, he is sitting here, as a defendant, before this jury.  It’s not Rodney Glen King that is sitting here but Officer Lawrence Powell, Sgt. Stacy Kook, Officer Ted Briseno and Officer Tim Wind.  What do we, ladies and gentlemen, as members of the community, expect from our police?  What is it that we want them to do?  These officers, these defendants, do not get paid to lose street fights.  They don’t get paid to roll around in the dirt with the likes of Rodney Glen King.  These are not Robo cops, ladies and gentlemen, they hurt, they feel pain, they bleed and they die just like everyone else.  And we leave it to them to take care of the mean streets.  So that we can safely enjoy our lives.  I decline the challenge to play the video again. You can play the video all you want.  Backwards, forwards, slow motion--it’ll be available for you as a piece of evidence.  I’ve seen it enough and I think you have too.

**Terry White (Prosecutor)**

…

You are the impartial judges of the facts in this case.  And just as the judge is the judge of the law, you are the judges of the fact.  And as judges you should remain impartial and not be an advocate for one side or the other.  It is your job to call the evidence as you see it, to decide the case on the evidence and let the chips fall where they may no matter where they may fall.

This videotape it the central piece of evidence in this case.  We don’t need to rely on Stacy Koon’s words.  We don’t need to rely on Lawrence Powell’s words.  We don’t need to rely on what they say happen that night.  We don’t need to rely on what Mr. King says that night.  We have the videotape and the videotape shows conclusively what occurred that night and it’s something that can’t be rebutted.  It’s there for everyone to see.  It is the most objective piece of evidence you can have.  You have to determine what a reasonable person, acting as a police officer, would have done in this particular situation.  So it’s objective…not only do we find out or determine what the officer was thinking, but then you have to determine as the trier of fact; was the officer’s actions objectively reasonable.

On that videotape you see unnecessary brutality by Office Powell, unnecessary, excessive, unreasonable brutality by Officer Powell.  From that first moment that videotape begins until Mr. King is handcuffed, Officer Powell is relentless in his baton blows to Mr. King.  Relentless even though there are points and times that Mr. King is on the ground not doing anything, but Officer Powell continues.

Now moving on to Sgt. Koon.  Earlier we briefly talked about aiding and abetting and an aider or abettor is just as liable for a crime as someone who directly and actively commits the act.  This is a man, the sergeant at the scene, who took charge of the situation from the beginning.  From the moment that he stepped out of his car he was in charge of the situation.  He ordered Melanie Singer back, he says, “stay back we’ll handle this.”  He ordered the use of force and by that I mean he ordered the first use of force.  He ordered the first swarm in this particular incident.  He ordered his officers to swarm or team tackle or gang tackle or however you want to call it.  I believe in his report he said “swarm” Mr. King.  He ordered the officers to go in and swarm.  He also ordered the officers…to get off, that he was going to use a taser.  Then he used the taser.  He personally operated that taser.  He personally used that use of force.  Then the batons.  He personally directed his officers were to strike [using] those batons.

If you look at the tape and you determine at some point that a reasonable force has begun and Officer Wind strikes Mr. King after that point, Officer Wind kicks Mr. King after that point, he’s just as guilty as any of the other defendants.

Officer Briseno is being charged…in counts one and two based on one stomp.  That’s all he’s being charged [with]…that’s the entire extent of his conduct that we are charging as far as a violation of the law.  He’s not being charged as an aider and abettor of anyone….he is not being charged for being responsible or being held responsible for anything Officer Powell did or Officer Wind did, or Sgt. Koon.  He’s being charged based upon this one stomp that we’re gonna show.  I think the thing that is important here…the thing you have to look at is at the point and time where Officer Briseno delivers this stomp to Mr. King.  What is Mr. King doing at that point in time?  We want you to look at this entire video.  We want you to do what the defense doesn’t want you to do.  They don’t want you to look at this entire video.

Charles Duke was on the stand.  The people’s expert, the people’s use of force expert.  Did they ask him one question about this video?  No, they didn’t.  Did they show this entire video to their defense experts?-- no they didn’t.  They don’t want you to look at this entire video.  And according to Sgt. Duke, everything Mr. King did was aggressive.  We went through this video on cross-examination, every point aggressive, aggressive, aggressive they continued to use the baton.  This man is on the ground.  Mr. King is on the ground and he is aggressive.  Sgt. Duke says, “look his leg is cocked.”  What is this…what is this cocked?  His leg is bent.  But the language that they say, “cocked,” makes it sound more aggressive.  His leg is bent.  His foot’s not flat.  This is aggressive.  What could this man do not to be aggressive?  Did he have to be unconscious?  As I read somewhere, someone said ‘what did he have to do.  Did he have to melt into the pavement?  Did he have to melt into the cracks of the pavement for his not be aggressive?’ And at some point you have to look at that video and say enough is enough.  Stop.  Go in there and handcuff him.  Stop this.  This is not right.  But they continued to hit him.

I issue a challenge to Mr. Stone, to Mr. Depasquel, to Mr. Mounger, to play this videotape for you and to point out things in this tape that justify the continued use of the baton.  I don’t think they’ll do it.  I think they are going to get their little frames out.  They’re gonna show 3:23:14.  They’re going to show you 3:24:27.  They’re gonna show you a frame here; they’re gonna show you a frame there.  They’re not gonna show you the entire videotape.  They probably won’t even play the entire videotape for you.  [Be]cause they are afraid of the videotape.  They’re afraid because they know what that videotape shows. Now who are you gonna believe, the defendants or your own eyes?

….

Why is it every time, every piece of evidence, regarding Lawrence Powell as bad, it’s somebody else’s fault.  It’s Terry White’s fault.  It’s Allen Yochelson’ fault.  It’s Ted Briseno’s fault.  It’s Lawrence Davis's fault.  It’s never this man’s fault.  Why not?  This is the man…and look at him.  This man laughed….This man taunted.  And he’s denying it?  He’s denying it?  How many times did we play that tape in here and was that not laughter?  Was that not chuckling?  Was that not giggling?  Well, what was funny out there?  Desperate men do desperate things and these three defendants have been doing desperate things for the last six weeks.  You don’t need to be an expert to look at that video and say that is wrong, that is bad, that is criminal....