



Written by [Raven Clabough](#) on May 11, 2012

## Judge Sends Kelly Thomas Murder Case to Trial

On Wednesday, Judge Walter Schwarm [ruled](#) that two Fullerton, California police officers — Manuel Ramos and Jay Cicinelli — will have to stand trial in the [death](#) of a schizophrenic, homeless man, Kelly Thomas, after they mercilessly beat him for over nine minutes last year. The ruling followed an emotional three-day hearing where prosecutors showed a video of the beating, and images of Thomas following the incident.



Judge Schwarm ruled there was enough evidence to believe “Mr. Ramos and Mr. Cicinelli are responsible for those felonies as charged.”

The two officers are permitted to remain free on bail but are ordered to report back for a hearing on May 22.

“I’m overwhelmed. In this war we’ve been fighting this is a new battle,” said Thomas’ father, [Ron Thomas](#), a former Orange County Sheriff. “But we got a victory today.”

Last July, six Fullerton officers approached Kelly Thomas at the bus depot in downtown Fullerton while responding to a report of someone trying to break into cars. Witnesses say Thomas ran when the officers attempted to search his bag. Witnesses also say the officers then surrounded and savagely beat unarmed Kelly Thomas, 37. By the time the cops were through, Thomas’ face had been beaten so badly it appeared as if it has been through a meat grinder. Video footage of the incident reveals the cops beating Thomas with a baton and Taser, and kicking his head and face with their boots.

Thomas died five days later, after being removed from life support. Hospital records showed that the immediate cause of death was “brain death” due to “head trauma.” Records also showed that Thomas suffered from broken ribs, a shattered nose, a smashed cheekbone, and severe internal bleeding. They also showed that Thomas was shocked with a stun gun several times, including around his heart.

Following the horrific incident, members of the community, including Orange County Supervisor Shawn Nelson and Fullerton City Councilman Bruce Whitaker, held a vigil for Thomas, and called for a thorough investigation of the event.

Protesters continue to hold weekly protests outside of the police station, and are leading a recall campaign against three City Council members.

One year later, after careful review of over 150 witness statements, videos of the beating, medical reports, and police statements, Police Officer Manuel Ramos is being charged with second degree murder, and Corporal Jay Cicinelli is being charged with involuntary manslaughter in the brutal death of Kelly Thomas. Both officers have pleaded not guilty.

While the entire incident was captured on video, the officers’ defense attorney is challenging a trauma surgeon to review the brutal video and pinpoint the moment when a police officer may have delivered a fatal blow. The defense attorneys hope to make the case that it was in fact the medics who treated Thomas that caused his death.



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The video of the incident was shown in the courtroom during the preliminary hearing. The *Los Angeles Times* notes, "The video and sound of fists and a baton connecting with Thomas was graphic enough that several spectators in the courtroom left, and the judge paused the video at one point as some in the audience began to groan. He cautioned that those who couldn't watch the video should leave."

Likewise, a photograph of the bloody image of Thomas' face following the police encounter provoked gasps from the audience.

In the graphic video that captures the entire murder, Police Officer Manuel Ramos is heard saying to Thomas, "See these fists? They're getting ready to f\*\*\* you up?" Orange County District Attorney Tony Rackauckas is making the case that Ramos' actions provoked Thomas into a "fight-or-flight" reaction and "turned a routine encounter into a brutal beating death."

Cicinelli is heard on video telling his fellow officers, "We ran out of options so I got the end of my Taser and I probably ... I just start smashing his face to hell." The video transcript also shows Cicinelli saying, "he was on something. 'Cause the three of us couldn't even control him."

Because the prosecutors' case is focused more on the provocation than whether or not the officers' issued deadly blows, however, some contend this will be a more difficult case for the prosecution to prove.

"In other cases, you typically have the officer using deadly force," said Ira Salzman, a Pasadena-based attorney who has defended police officers.

Similarly, Jody Armour, a USC law professor who has studied cases of excessive police force, contends this case is unique.

"This is really unusual," he said. "This is a prosecution believing it has facts to support a difficult charge to prove."

Meanwhile, the defense is intent on proving that the police did not use deadly force.

"Is there a particular act that actually had the effect?" asked John Barnett, the attorney for Manuel Ramos, one of the two officers charged in the case.

According to UCI surgeon Michael Lekawa, the damage to Thomas was cumulative, and that the increasing physical effort used by the officers to subdue Thomas resulted in Thomas having difficulty breathing, which led to inadequate oxygen levels in the blood.

"It happened over time," said the head of trauma surgery at UCI.

When pressed on the issue by the defense attorneys, who subjected Lekawa to nearly 20 minutes of the graphic video, Lekawa said that the moment that might have caused Thomas' death was when an officer pressed on Thomas' torso.

Lekawa said that "200 pounds of weight is enough" to cause a deadly lack of oxygen. He notes that Thomas "appears to be struggling to breathe." Thomas said several times in the video that he could not breathe.

"The ongoing compression of his chest ultimately led him to have a respiratory arrest," Lekawa said during the hearing to determine whether sufficient evidence exists for the officers to stand trial.

At the same time the officers were applying chest compression, they shocked Thomas with a Taser and hit him several times with the butt of the Taser.



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Cicinelli's attorney Michael Schwartz is attempting to argue that the paramedics' performance of CPR after Thomas' heart rate stopped may have caused the problems that led to Thomas' death. Lekawa said CPR compressions could have contributed but that Thomas' problems ultimately began earlier, when the video showed he was no longer responsive.

Once again, the Kelly Thomas murder has scarcely received national attention. Most reports on the case are coming out of local outlets. Ben Shapiro of Breitbart.com [contends](#) the lack of attention is motivated by racial factors.

"The media attention surrounding Thomas' death has largely been local in nature; few national stories have focused on the beating. That's no doubt due to the fact that Thomas is white; were he black, the media certainly would have jumped on the racial angle," writes Shapiro.

When one considers all of the media coverage of the Trayvon Martin case, Shapiro may have a point.

Analysts are hopeful that the case will draw attention to police brutality, which has shown to have increased since 9/11. A 2007 report from the Justice Department showed a 25 percent [increase](#) of cases in which law enforcement authorities have used excessive force or other tactics to violate civil rights between the years 2001 and 2007.

And it appears that the U.S. government and law enforcement agencies are intent on keeping that information under the radar. According to the British publication [The Guardian](#), Google has resisted demands from a U.S. law enforcement agency to take down YouTube videos that allegedly show police brutality. Google indicates that there has been a 70 percent rise in takedown requests from the U.S. government and police.

*Photo: A photo provided by the Orange County District Attorney's office shows Fullerton Police Officers Jay Cicinelli, left, and Manuel Ramos: AP Images*



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