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Murder Trial's Move To L.A. Setback For Mehserle

OAKLAND (CBS 5 / AP) — A judge's decision to move Johannes Mehserle's murder trial to Los Angeles County is a setback for the former Bay Area Rapid Transit police officer charged with gunning down an unarmed man in Oakland on New Year's Day.

Jurors throughout the state are typically sympathetic to police officers, and Mehserle could have expected a leg up before the start of trial in most any courtroom in California's 58 counties.



But legal analysts said Los Angeles is atypical and a bad draw for the former officer.

Mehserle, who was in uniform when he drew his service gun, will have to overcome the lingering specters of the Rodney King beating; the O.J. Simpson acquittal because of police behavior; police corruption cases; and other high-profile verdicts that expose many residents' deep-rooted skepticism of law enforcement.

"Los Angeles County is the polar opposite of most counties," said Jim Hammer, a former San Francisco prosecutor. Hammer was one of two prosecutors on San Francisco's infamous "dog mauling" case, which was transferred in 2001 to Los Angeles for trial because of extensive pretrial publicity.

"We were disappointed," Hammer said of the transfer, even though he ended up winning the case and Marjorie Knoller and her husband, Robert Noel, were convicted of keeping large dogs in their apartment that mauled a neighbor to death.

Mehserle and other transit police officers were responding to a fight at the Fruitvale BART station in Oakland when he fatally shot Oscar Grant III in the back. Mehserle, 27, has pleaded not guilty to murder. His attorneys said he mistakenly pulled his gun rather than a Taser in an attempt to subdue Grant, 22.

The shooting of the unarmed black man by a white police officer was video-recorded by several bystanders. It went "viral" on the Internet and unleashed pent-up racial tension in Oakland for weeks. The social unrest and extensive media coverage in the San Francisco Bay Area prompted Alameda Superior Court Judge Morris Jacobson to transfer the trial to Los Angeles. The case is to be tried in the same courthouse where O.J. Simpson was acquitted of murder.

Mehserle's attorney Michael Rains said he is disappointed with Jacobson's decision. Rains had argued that his client would receive a fairer trial in San Diego County, a location the judge considered before choosing Los Angeles.

"It is a scary prospect for a police officer to be tried before any jury with anti-police sentiment," Rains said. He said he's concerned the jury pool will be limited to residents living within 20 miles of the courthouse because census data he has studied suggests the area has a higher-than-average black population.

That's important because legal experts said race can be a vital component in a close case.

"If the evidence is clear, jurors are likely to be able to set race aside," said Kathy Kellermann, a Marina del Rey-based jury consultant. "If the evidence is unclear or ambiguous, the racial and economic makeup of the jury could influence the verdict."

Kellermann said recent downtown Los Angeles jury pools have been 15 percent to 20 percent black and about 20 percent white. The predominant race of downtown Los Angeles jurors in recent years has been Asian and Latino, she said.

"A surprising number of jurors in the LA jury pool have had negative experiences with law enforcement officers and/or are cautious or even negative in their attitudes about law enforcement officers," Kellermann said.

One outside observer, defense lawyer Daniel Horowitz, said Mehserle can take some solace in Los Angeles' size and diversity.

"It's a sophisticated and educated jury pool," Horowitz said. "And this is the kind of complicated case that needs sophisticated thinking."