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## Where is oscar grant killer now

LOS ANGELES -- A jury has found former BART officer Johannes Mesher guilty of involuntary negligent manslaughter. Messare was charged with murdering unarmed man Oscar Grant on a BART platform on New Year's Day 2009. Jurors will deliberate at about 8:30 on .m. They cracked an hour's lunch just after noon. At around 2 .m, they informed the court of their verdict. Deliberations with the most recent jury panel lasted just seven hours in two days. Messare sat with a stone face, looked up and did not cry. His father was sobbing in the front row behind him. Messare put his hands behind his back, handcuffed and taken into custody minutes after the verdict was read. The judge had denied a request from the defense not to let Messare shortly after reading the verdict. As the verdict was read out, the jurors sat seriously and quietly. Grant's family sat in the second row behind the media in a packed courtroom. Grant's mother, Wanda Johnson, was visibly upset and shivering out of sheer frustrations systems that let us down, but God never let us down. The system has failed us, we fight constantly, but one thing I do know is that races are given to those who endure to the end, not quick or strong. As a family and as an African-American nation, we will continue to fight for equal rights in this society, said Wanda Johnson, Grant's mother. My son was killed. He was killed. He was killed. He was killed. Grant's family lawyer, John Barris, called the ruling a small victory, but also called it a compromise verdict and said he took a step back because real justice had not been fulfilled. We are very disappointed with this verdict. The verdict is not a true representation of what happened to Oscar Grant and what the officers did to him that night. This is not an involuntary negligent manslaughter case. This is a true compromise verdict that does not truly accurately reflect the facts and we are very disappointed, Barris said outside court. I think this was a murder, a second-degree murder. I'm surprised the jury came back just as quickly and seems to dismiss the murder charge and voluntary negligent manslaughter very much. As an African-American, we recognize that the system rarely becomes fair when police officers are involved in the shooting death of an African-American man, he went on to say. Commenting on the upcoming verdict, Barris said: He should be in jail for life, but he may not have to go to prison. It will be the ultimate insult and tragedy I can imagine. Grant's uncle, Cephas Johnson, said the family was disappointed. He said he did not believe the jury was looking at all the evidence, citing short deliberation times. I believe Messare committed the murder, Johnson said. I and my family cannot understand how the jury saw this and came to this decision. Gov. Arnold Schwarzenegger issued the following statement on the ruling today, saying, I encourage Californians to remain calm in light of the verdict and not to appeal to violence. I spoke with Oakland Mayor Ron Delms and assured him that we are well prepared to help maintain order. The U.S. Department of Justice issued a statement Thursday saying, The Department of Justice is closely monitoring state investigations and indictments. The Civil Rights Division, the U.S. Attorney's Office, and the FBI will conduct an open investigation into the fatal shooting and, at the end of the state prosecution, conduct an independent review of the facts and circumstances to determine whether the evidence warrants a federal indictment. The trial was moved to Los Angeles for publicity in the Bay Area. Sentencing will take place on August 6. The shooting of Grant's Oscar Grant A screenshot, which was pinned as police handcuffed him, moments before the shooting; this was captured from one of the videos recording the police incident. Date January 1, 2009, 12 years ago (2009-01-01) Time2:15 m a. PST (10:15 UTC) Location Oakland, California, U.S. DesOscar Grant III defendant Johannes Messeredad Johannes second-degree murder, voluntary negligent manslaughter, involuntary negligent manslaughter, conviction of manslaughter: involuntary manslaughter A \$50 million (initially \$25 million) lawsuit Grant's father's lawsuit , whose jury's conviction on gun enhancement charges was overturned by a judge, was denied that Oscar Grant III was a 22-year-old African-American man killed by BART police officer Johannes Messare in Oakland, California, in the early hours of New Year's Day in 2009. BART police officers detained Grant and several other passengers on the platform at the Fruitvale BART station in response to reports of a fight on a crowded Bay Area high-speed train returning from San Francisco. BART officer Anthony Pilonene needed Grant in his head and was forced to leave the unarmed Grant face down on the platform. While Pilonene held Grant back, Messare pulled a pistol and shot Grant in the back. Grant was taken urgently to Auckland's Highland Hospital where he was announced dead later in the day. The event was captured on multiple official and private digital videos and a personally owned mobile phone camera. The owner spread the footage to various websites infected with media and viruses. Peaceful and violent protests were held the following day. Leading up to the shooting, Grant was on the train and was admitted to his friend Katie, causing enemiesGang nearby to recognize Grant and proceed to fight him. But along with Grant's girlfriend Soina, some of the other passengers on the train were able to clear up the fight. Shortly afterwards, the train conductor contacted the police and announced to passengers that they were on their way to the stopped station. As the passengers began to leave the train, Grant and his girlfriend saw the police walking towards them and broke up. As they approached the train, police began to pick out those they believed were involved in the fight. Officer Pilon walked over to two African-American men and stripped them of their jackets. Pilon threw three people against the wall before heading to the train and shouting at everyone involved in the fight to leave the train and come to him. Everyone remained on the train, so Officer Pilon walked over to the train to see if anyone looked as if they were involved in the fight. Pilon saw Grant wearing similar clothes to the ones he was wearing as he sat against the platform wall and removed him. On January 30, 2010, Alameda County prosecutors charged Officer Messar with second-degree murder in the shooting indictment. Messare resigned and pleaded not guilty. The trial began on June 10, 2010. On July 8, 2010, Messare was found guilty of involuntary negligent manslaughter and acquitted of manslaughter and voluntary negligent manslaughter. The first protests on July 8, 2010, were peacefully organized against the jury's verdict, but after dark there were incidents of looting, arson, destruction of property and small riots. Nearly 80 people were eventually arrested. On November 5, 2010, Messare was sentenced to two years and deducted his time in prison. He served his time in protective custody at the Los Angeles County Jail, held in a private cell for his safety. On June 13, 2011, Messare was released on parole after serving 11 months. Oakland civil rights attorney John Barris has made a \$25 million wrongful death claim against BART on behalf of Grant's family. BART settled with Grant's daughter and mother for a total of \$2.8 million in 2011. It also settled with several of Grant's friends who sued for damages for police brutality. A separate lawsuit by Grant's father did not result in a jury award because it was determined that he was not sufficiently involved in Grant's life because of his imprisonment. Background Oscar Grant was celebrating with his friends at the Embarcadero in San Francisco on New Year's Eve. He and about eight friends returned to the East Bay in the lead car of the BART train to Oakland station Fruitdale. [2] [3] BART provided extended services and a special flash pass for the New Year's Eve holiday. [5] At about 2:00 .m PST, BART police responded to reports of physical changes involving up to 20 people.An entering train from West Auckland BART station. Participants were expressed as beaten and stoned. [2] [7] BART officers Tony Pilon and Marysol Domenich were the first officers to arrive at the scene. Officers removed Grant and several other men suspected of fighting from the train and restrained them on the platform. Pilon handcuffed Grant's friend and angered the other riders. Pilon lined up Grant and two other men against the wall. [2] [9] When five other officers, including Johannes Messale and his partner Woffindin, arrived at Fruitvale station, they found the situation chaotic. [2] [10] Fruitvale BART station, where Grant shot and killed Burt officer Marysol Domenich, was the ninth officer on the scene with his partner Tony Pilon [they tried to control passengers coming off the train.] Domenich testified at a hearing in the BART case that Grant and his friends swore at her and did not comply with her orders. She is quoted as testifying: If they had followed orders, this would not have happened. They were probably only cited and released. A subsequent internal investigation conducted by an outside law firm held by BART found that Pilon lied when he claimed to have confirmed to the train operator that a BART police man detained on the platform was involved in a reported train fight. The train operator recalled to Pilon that he was not sure whether those detained were involved in the fighting. Cellphone video broadcast on local television station KTVU on January 23 showed what Pironne appeared to be Pilon rushing toward one of the detained men and punching him multiple times in the face two minutes before the shooting. [2] [9] Grant's family alleges in a civil lawsuit against BART that officers threw Grant against a wall and needed his face. Video taken by a bystander contradicted Pilon's allegations and showed how Grant, a 22-year-old Hayward resident, never tried to punch or kick Pilon. On the contrary, an internal investigation report found that Pilon likely punched Grant in the head, required him and caused injuries recorded in his autopsy, including head fractures and hematomas. Until the report was made public in May 2019, Pilon's lawyers had allege that Grant tried to kneel the officer in the groin and taunted Pilonne by punching Officer Marysol Domenich in the arm as he tried to handcuff one of Grant's friends. [16] Witnesses testified that Pilon was the aggressor during the incident. John Barris, a lawyer for Grant's family, also disputed Pilon's account, noting that Grant and his friends were at peace when the train stopped. Grant put his hand up while seated on the platform wall. [18] Additional footage from the mobile phone was presented in court showing PironneOn Grant, who is prone to filming and shouting: ass, isn't it? Piron and his lawyers say Grant was repeating an insulting episode that yelled at him. While dozens of people shouted from the stopped train and were cursed by the officers, Messare and Pironne placed Grant face down [according to Pilon, Grant disobeyed the instructions and cursed the officer. [7] Witnesses said Grant pleaded with BART police not to shock him with a Taser. Pilon knelt on Grant's neck and told him he had been arrested for resisting officers. [7] Messare tried to handcuff Grant, but he couldn't reach him. He got up, unleashed his gun, SIG Sauer P226[7], and fired at Grant's back. [19] Shortly after the shooting, Messare looked stunned and raised his hands to his face. [7] Several witnesses said Messare said several times after the shooting, Oh my God. A .40-caliber bullet from Messare's semi-automatic handgun entered Grant's back, went out through his front side, punctured his lungs and bounced off a concrete pillar. [22] According to one witness, Grant said, You shot me! I got my 4-year-old daughter! Initially, there were rumors that Grant had been handcuffed before he was killed [but a court filing by the district attorney's office says Grant was behind him and he was restrained and unarmed but would not say he was handcuffed. Messare said Grant feared going for the waistband and the gun. [7] [26] The day after the shooting, BART spokesman Jim Allison said Grant was not being held when he was shot.[5] and multiple witnesses testified that Grant refused to give up his hand to handcuff him before the shooting. The family's allegations against BART said Grant was handcuffed only after he was shot. Video evidence Direct evidence of the shooting was documented by a video camera held by passengers on a train idling next to the platform as police detained Grant and a number of other men suspected of involvement in the disturbance. Several witnesses testified during preliminary hearings in Mehsler's trial that BART officers began recording because they believed they were acting too aggressively. They gave the video to the TV news and broadcast it. Others posted videos on the internet. [19] Oakland attorney John Barris, who represented the family in the lawsuit against BART over Grant's death, said BART had confiscated numerous cellphone images that he believed contained additional evidence of the killing. [29] Alameda County District Attorney Tom Orlov said the video confiscated by BART would help bring murder charges against Messare. [30] Witnesses at the scene said police tried to confiscate the camera. [31] [32] [33] Thesettl was never recognized by bart police. [2] District Attorney Orlov said some passenger videos that have not been made public were very helpful to the investigation. On January 2, KTVU aired a video of an anonymous passerger submitting cellphone video of the shooting. On January 23, KTVU aired cellphone video showing a second officer punching Grant in the face before the shooting. In late February, KRON 4 aired a clip of a video showing the different angles of the change. BART spokeswoman Lynton Johnson called the surveillance footage from the Fruit tale platform camera a good one. He said platform cameras recorded some of the incidents, but the footage did not include filming. [10] Frank Bolelle, a retired police officer and writer, said the scenes shown in the video moments before the shooting were important in understanding the shooting itself and what happened. The four officers need to operate under a high level of stress, given the relatively limited setting and the people on the BART train who have expressed discomfort with the officer's actions, with a very loud voice. These officers are significantly outnumbered by a group of people who have already expressed their misfortune to the police if things go badly for them. After seeing the shooting from multiple angles, police use-of-force expert Roy Bedard initially said he thought the shooting was an accident and changed his mind [he said: I don't want to say this, it looks like an execution to me and it really looks bad for the officers. [36] Robert Talbott, a professor at the University of San Francisco, said the video could support claims of accidental shootings: Nothing about his [Mehslerfe] body looks murderly. Video impact Video evidence of the incident was widely broadcast and streamed online. Hundreds of thousands of people watched the video in the first few days after the shooting. One local TV station video posted on the website was downloaded more than 500,000 times over four days.[38] and one independent media video posted on the Internet averaged more than 1,000 views per hour. The direct evidence of the shooting sparked public outrage and protests and riots. Related Parties Oscar Grant III Oscar Grant III Oscar Julius Grant III (February 27, 1996-January 1, 2009) lived in Hayward, California. He worked at a Kentucky Fried Chicken store before working as a butcher at Farmers Marketplace in Oakland's Dimond neighborhood [he attended both San Lorenzo and Hayward high schools until 10th grade and eventually earned his GED.] Grant was released from prison after a 16-month sentence for a gun and was on parole at the time of his death.Grant's funeral was held on January 7, 2009 at Palmassala Baptist Church in Hayward. Grant's mother, sister, daughter and girlfriend - the daughter's mother - have made a wrongful death claim against BART after his death. It was settled in 2011. Johannes Messare Johannes Sebastian Messare (born 12 August 1982 in Germany)Grew up in the Bay Area. [7] Messare graduated from New Technology High School in Napa, California. Messare joined the Bay Area Express Transit (BART) Police Department in March 2007. After the shooting, he was condemned by many witnesses, who reported to the media that Messare had shot him for no reason. BART review and investigation process After the 2009 shooting rampage, Mehsler submitted to drug and alcohol testing according to BART's standard operating procedures. The results showed no drugs or alcohol in his system. He retained criminal defense attorneys, called the Public Safety Officers Procedure Bill of Rights Act (California Government Code Section 3300-3313) and the Fifth Amendment, and refused to talk to authorities, claiming potential self-offenses. BART organized an internal investigation into the incident. On January 5, 2009, Messare's lawyers postponed a scheduled meeting by BART agents and asked for it to be postponed. BART police administration and investigators ordered officers to attend an investigating interview on January 7. Messare did not attend. Instead his lawyers and representatives of his BART Police Officers Association union came and submitted their resignations. [45] Messare and his family received a number of death threats after video of the shooting emerged and he moved at least twice. His parents briefly left napa's home because of death threats against the family. [45] Domenich testified at an investigating hearing. She was fired by BART on accusations that she was disloyal to her statements to transit investigators. She complained of shots fired. On December 18, 2010, San Francisco Labor arbitrator William Riker was reported to have ordered the former officer to state again on full repayment because there was no basis to find that Domenich was not telling the truth. [12] Aftermath Shootings and subsequent riots were covered by the region, the state, [19][50] and international news. [51] [52] After Grant's death, footage of the shooting was widely broadcast and streamed online. Hundreds of thousands of people watched the video in the first few days after the incident. Widespread direct evidence of gun violence sparked public outrage and protests and riots. Police in riot gear were dispatched in an effort to disperse the crowd. While peaceful protests erupted on the evening of January 8, some protesters turned to riots and rampant property vandalism. ABlocks and other mobs smashed windows of cars and shop windows, [55] some private cars, and numerous trash cans and trash cans. Public buildings such as the Oakland Police Department's Home Office and the mostly restored Fox Theater were heavily destroyed. [56] The riots fell late at night. Police have made at least 105 arrests on suspicion of various offenses. More than 300 businesses were affected by the vandalism. [57] Community members and activists denounced the shooting as another case of police brutality. According to an East Bay Times article, bart completed its investigation into the shooting on January 12, 2009, 12 days after the shooting occurred, so there was widespread awareness that BART police and the Alameda County District Attorney's Office were not conducting an effective investigation. [58] Others were angry that Messare was said to be not cooperating with police and district attorney's office investigators. [59] Fruitvale protests and marches; downtown riots On January 7, 2009, the shootings and protests against the judicial administration began peacefully around .m:30 p.m., with about 500 people gathering at fruitvale station. In the evening, some protesters marched toward Oakland's central business district and downtown. More than 200 Oakland police officers were dispatched to disperse the protesters. Police cordoned off the street and diverted vehicle and foot traffic. After entering the Central Business District, the march continued to bart police command and control headquarters at Eighth and Madison streets near the Lake Merritt BART station. Once bart police command and control, contingencies of angry protesters surrounded police cars. The policeman who was driving the car fled on foot. Meanwhile, between 30 and 40 demonstrators broke out of the cruiser's window and tried to overturn it. A line of police wearing gas masks marched behind the march and deployed tear gas in an attempt to disperse the crowd. Protests continued as crowds marched down 8th Street through Chinatown. . . on Broadway, officers wearing gas masks deployed more tear gas canisters and acted quickly to charge and disperse the crowd as they approached the Oakland Police Department headquarters on The 7th and Broadway. [62] The protests reorganized downtown at the intersection of Broadway on the 14th and blocked motor vehicle traffic. [63] Some protesters lay face down at the intersection in a symbolic act of solidarity with Grant, who was killed in the same position. [61] Others shouted at the police and chanted every single one. Others ask, Your idea of justice? and a sign that read Prison Killer Cop and lit candles in commemorate of Grant. Police wearing helmets and gas masks grouped in a stand-up line formation south, west and north of the intersection, allowing for a retreat path on the 14th on the east side of the intersection. About an hour later, police ordered protesters to disperse and fire tear gas, rubber bullets[64] and other non-lethal weapons and devices. Protesters hurled bottles, rocks, and other objects at the police. Police pushed east on 14th Street into the Lakeside Apartments neighborhood, and the scene erupted into riots along the spine of 14th Street [a number of helicopters that had been in the air throughout the evening converged on the area. [67] Law enforcement helicopters lit powerful spotlights on the streets of the surface, while media helicopters captured real-time broadcast video on local television stations. In the hours that followed, a small clutch of mobsters [68] burned the contents of trash cans, trash cans and newspaper boxes and set fire to at least five cars, including oakland police patrol cars. Some mobs smashed the windshields of parked cars [riots spread deep into the Lakeside Apartments neighborhood, cars were burned on Madison Street, and other mobs in this clutch smashed storefront windows, including McDonald's fast food restaurants in Jackson and 14th Street in the Lakeside Apartments neighborhood. The night of the riots matched the next morning's garbage collection day, when numerous trash cans and containers were parked on the curb. Rioters used these trash cans to start fires along the city streets. Lighters damaged some of the carefully restored historic woodwork and terracotta at the restored Fox Theater. Fox's damage was preliminary estimated at \$10,000 to \$20,000. As the riots moved east toward Lake Merritt, Oakland Mayors Ron De Rams and Larry Reed held impromptu press conferences at 14th and Jackson streets along the spine of the riots, calling for the crowd to disperse peacefully [Derm marched peacefully back west on 14th Street with the crowd and headed for the steps of City Hall, where they tried to address the crowd negatively [after the crowd reacted negatively, . he cut the meeting short and entered city hall. Protesters made their way through Town Hall Square, where a splinter group of angry mobs smashed the windows of the Oakland Police Department's internal affairs and recruitment office on the east side of 250 Frank Brock Plaza. The window of a police cruiser parked outside the office was also smashed. Protesters made their way east on 17th Street, into the 17th Street commercial district of Oak Stardom, across Broadway and Franklin, where rioters smashed numerous storefront windows and continued to return to the lakeside neighborhood, where Christmas trees were set ablaze. Police continued their efforts to disperse the crowd, and riots continued in downtown Broadway. The riot was wounded around 10:40 p.m. 20th outside [61] and BroadwayThe Paramount Theatre, where police detained about 80 people for various crimes. Most were cited and released for complaints including riots, vandalism, assaults on police officers and arson. The police recovered two handguns from the mob. [71] In total, about 120 people were arrested for crimes a result of protests during the evening. [72] To date, two charges have been charged. Lake Merritt and the 12th Street BART station were temporarily closed in the evening. Numerous media photographers and videographers filmed scenes in close proximity to the [73] ground, both in partnership and independently. [19] The media helicopter captured footage of the development from overhead, which was broadcast in real time on a local television station. Reaction from business and city officials Rioting was a challenge to strengthen awareness of crime in Oakland and overcome it for greater economic investment, in addition to carrying out takeover robberies the previous year. The Del Rams administration held a press conference at City Hall Hearing Room 4 on January 8, denouncing the riots as reso-like. Combs noted that 40 years ago, in 1967, there was a riot on the streets of Auckland. [77] Dellums noted that people were upset and lost faith in the process because of what they called a lack of communication between BART officials and the district attorney's office days after Grant was killed. BART has also been criticized for not ordering Messare to speak to internal affairs earlier. In a criminal trial on January 12, Alameda County District Attorney Tom Orlov filed a murder complaint, and a Merameda County Superior Court judge signed a fugitive arrest warrant for Messare for leaving the city. He was arrested on January 13 at a friend's home in Zephyr Cove, Nevada, near Lake Tahoe. His lawyer said Messare went after receiving death threats in the Bay Area. Messare waived his hand and was taken into protective custody at Santa Rita Prison in Dublin, California [Messare pleaded not guilty to the charges on January 15[On July 9, 2010, the U.S. Department of Justice opened a civil rights investigation against Messare, but closed the investigation without charge.] On January 30, Alameda County Superior Court Judge Morris Jacobson set Messare's bail at \$3 million. A week later, with the help of a fundraiser from the police union, Mehslerle was released on bail. [62] Alameda County District Attorney Tom Orlov declined to speculate whether Messare would be charged with first- or second-degree murder, saying, What I am having evidence of is unlawful killings carried out by intentional acts, and from the evidence we have, nothing mitigates it to anything lower than murder. [83] Orlov pointed out messare's refusal to explain himself.Reason to charge him with murder, not negligent manslaughter. [26] Orlov said he would fight a motion to change the venue for the trial. Messare retained Pleasant Hill Criminal Defense Attorney Michael Raines and previously represented one of the Oakland Riders. Before Messare held the rain, his lawyer was reported to have said that prosecuting Messare for murder could be difficult because the law discourages the second guess and hindsight of police officers who tend to be viewed favorably by jurors. Messare's defense was paid for by a statewide fund for police officers. Bail hearing At a bail hearing on January 30, Raines told the court that Messare carried a Taser just a few shifts before the January 1 shooting rampage, and accidentally deployed a service weapon when he thought Grant was reaching for a gun. [7] Raines said, Mr. Grant was actively, aggressively, aggressively resisting arrest. He said some witnesses heard Messare say, Go back, I'm going to eat him. [88] Raines said he planned to call witnesses to show there was a level of resistance by Oscar Grant and others who denied malice. The prosecutor's theory in the case is that the video direct evidence shows that Messare knowingly reached for his weapon. They claimed that what we are seeing in the video is an officer releasing control of the suspect, standing up, drawing a weapon and filming with some difficulty. Jacobson agreed to set bail for \$3 million that Messare's claims of Taser confusion contradicted his previous statements to fellow officers and that Messare may be changing his story. It then issued gag orders to lawyers and investigators, banning them from publishing future allegations or commenting on the press. Raines, a preliminary hearing, insisted during the preliminary hearing that Messare lacked the malice necessary for the murder charge and that he was going to question Grant. BART officers testified that Grant and his friend yelled at the dust and did not obey her orders to sit down at the moment before Messare opened fire on Grant. She said she was horrified when she heard taunts coming from Grant, his friends and passengers on the train. After seven days of testimony, Judge C. Don Clay concluded that Messare had not accidentally used a service pistol instead of a stun gun. The judge based this on Messare's statement to other officers who thought Grant had a gun. He also pointed out that Messare had a weapon with both hands but he was trained to just use the left if he was firing a Taser. Messare faced life in prison if convicted of first-degree murder. Raines filed a supplementary motion arguing that Judge Clay should look again at the ruling that prohibited defense attorneys from presenting evidence about Grant's criminal.As well as the ruling that barred Messare from presenting evidence that he told fellow officers shortly before the shooting rampage that he intended to use a Taser on Grant. He protested that both rulings amount to serious errors under years of never-questioned California authorities and claimed they substantially interfere with Mehsler's federal due process right to defend against murder charges. [93] Raines could not persuade Judge Clay to remove District Attorney Tom Orlov's office from the case. Raines claimed Orlov violated his client's rights because he ordered two Oakland police officers to try to interview Messare after he was arrested, even though he knew Messare had a lawyer. Judge Clay said Orlov's actions did not prove bias and did not meet the requirements required for him to be removed from the case. On June 19, 2009, Messare pleaded not guilty. On Orlov 19, 2002, Messare pleaded not guilty. The jury trial was scheduled to begin in October. Messare's attorney, Michael Raines, asked for a change of venue for the trial, on the other day there was no impartial jury in Alameda County. The judge agreed, noting widespread coverage and the social turmoil of protests and riots. On October 16, Raines' request was honored, and on November 19, downtown Los Angeles was chosen as the venue. Los Angeles County Judge Robert J. Perry was appointed to the case. He said he would not allow cameras in court. A hearing was held on February 19, 2010 to address two issues. [4]. The judge did not reduce Messare's bail at the defense's request. The judge also rejected a defense motion to remove Alameda County prosecutors from the case. Raines had claimed that prosecutors and detectives acted inappropriately when they interviewed Messare earlier in the case. Another hearing was held on March 26. Mehsler's lawyer said his client had not committed first-degree murder and asked the judge to instruct him to limit deliberations to second-degree murder or innocence. Raines wrote that Messare did not claim that the killing took place in the heat of passion or self-defense. Raines also alleged that prosecutors showed no evidence that the fatal shooting was voluntary or involuntary negligent manslaughter. On May 7, Judge Perry granted the defense's motion to discuss Grant's conviction for possessing a gun and evading arrest [Perry] formally selected a jury on June 8 after his lawyers used the motion. The 12 jurors consisted of eight women and four men. Of these jurors, seven were white, four were Hispanic and one was Asian. Of the candidates for the by-election, there were five women and one man consisting of three Asians, two whites and one Hispanic. Six of the jurors are said to have had links to law enforcement. [102] Grant's family expressed anger at the absence of blacksThe day before the trial began, Deputy District Attorney David Stein revealed a photo of Grant taking Messare with a cellphone camera. The photo showed Messare pointing to a Taser at Grant. Multiple experts who observed the video evidence suggested that Messare may have confused the gun because of his Taser[22][105] which led him to mistakenly believe he was tasted Grant [William Lewinsky] who described this as an expert witness in the case. If Messare thought he was firing a Taser, this could provide full or partial defense against the murder charge. [37] [107] It depended on whether Messare had a legal right to use his Taser at all, which was questioned, prosecutors claimed, that mistakenly, including a blood alcohol test that Messare completed after the shooting, showed he had changed his story about what happened. There have been previous cases where police officers confused guns with Tasers, but modern Tasers weigh half as much as handguns. The prosecution claimed that Messare's Taser position was very unlikely to mistake him for the other by combining the different feels and colors of the two weapons in relation to the weapon of his duty. Barris responded to taser confusion claims by claiming that the video evidence did not support the idea of Taser confusion. In any case, he said, Messare had no reason to fire the Taser. Messare wore his Taser on the left side of his body (on the other side where he wore his gun) - but set for a cross-body, strong-hand (right hand) drawing. BART purchased a Taser X26 stun gun in September 2008 and provided it to officers after six hours of training[7] recommended [June 14 testimony witness Carlos Reyes] recalled messare saying after shooting Grant, Oh, I shot him. Grant's ex-girlfriend, Sophyna Mesa, testified that she called Grant while he and his friend were being held, and he said, They're beating us for no reason, I'll call you. Deputy District Attorney David Stein believed Grant's phone proved he was not trying to resist arrest that night. Cellphone records showed two calls between Grant and Mesa, 2:05 a.m. and 2:09 a.m., two minutes before Grant was shot. On June 15, three witnesses testified that both Grant and the other suspects did not actively resist officers. Each expressed disgust at the officer's actions ahead of that night's shooting rampage. [111] On June 22, Grant's friend Jackie Bryson testified about the prosecution, saying he was kneeling and handcuffing Just inches from Grant when Johannes Messare shot him. Bryson said Grant's hand was under Grant's body and Grant said: I quit. I surrender. He claimed Messare said "fuck this" before shooting Grant. DefenseRaines repeatedly accused Bryson of lying to convict Messare, pointing to a video of Bryson running toward the train while handcuffed. Answering Raines' question, he said, Were you going to leave your friends on that platform? Raines accused Bryson of inconsistencies based on statements in a civil lawsuit he filed against BART in early January 2009. Bryson said he lied to investigators, distrusted the police and had been frequently stressed since Grant's murder. On June 25, Messare stood on the testimony stand. Sobbing, he said he didn't think he had a gun until he heard a pop and looked at his right hand. Answering a question from Raines, he recalled Grant saying you shot me shortly after the shot disappeared. Judge Perry called the break after Grant supporter Timothy Killings shouted at Messare to save those tears. [113] After another outburst, the killing was arrested for contempt of court. [114] Closing Arguments and Verdict Judge Perry offered the judge three sentencing options: second-degree murder (with a sentence of 15 years in prison), voluntary negligent manslaughter (3-11 years), or involuntary negligent manslaughter (2-4 years); in addition, the jury may have found him not guilty. Prosecutor Michael O'Brien said that by shooting Grant, Messare essentially committed a crime. Intent meant murder or voluntary negligent manslaughter, and the accident showed recklessness on Messale's part and therefore involuntary negligent manslaughter. Judge Perry gave two interpretations of Messare's shocking response after shooting Grant: Did Messare intend to use his Taser or he recognized that many people were witnesses to his actions[115] closing arguments were made on July 1. Deputy District Attorney David Stein, who expressed his belief that Messerle lost all control the night he shot Grant and labeled the shooting as an accident to evade liability, asked jurors to convict Messer of second-degree murder. Raines, a defense attorney, insisted the shooting was accidental and said, Don't give any commentary on the state of the police's relationship with the community in this country. [116] Deliberations began on Friday, July 2. The jury took a day off on July 5 for the Independence Day holiday. Deliberations were suspended on July 6 after one juror left for leave, notified the judge in advance, another went to a medical appointment and another juror was called in sick. One new alternative judge joined the panel. One juror submitted a question asking whether provocations by non-suspect sources could be committed on a voluntary negligent manslaughter charge. Stein argues that jurors should be able to consider external influences on Messare, but Raines disagreed. On July 8, 2010, the jury told the court that theyDeliver a verdict .m 2:10 p.m. Deliberations with this jury panel totaled six and a half hours over two days. A jury announced around 4 .m p.m. that Johannes Messare was found guilty of involuntary negligent manslaughter and not guilty of second-degree murder or voluntary negligent manslaughter. The jury found Messar guilty of gun enhancement charges that required Messar to be sentenced to up to 10 years in prison, not eligible for probation and serving 85 percent of his sentence, as opposed to the 50 percent served by prisoners in most states. After previously being released on a \$3 million bond, Messare was remanded in custody after the verdict was read [the next trial date for sentencing was set for August 6, 2010]. After the verdict, the court released a two-page letter written by Messare, saying there were no words that can express how truly sorry I am. Messare's sentence was originally scheduled to be sentenced on August 6, 2010. The verdict was rescheduled for November 5 at the request of the defense. On November 5, 2010, Messare was sentenced to two years in prison with double credit for the time he had already served (a day in custody counted as two for most inmates because of overcrowding in California prisons/prisons, reducing the 146-day term he had already spent in prison by 292 days. The judge overturned the gun enhancement and may have added another three to 10 years to his sentence[124] on June 13, 2011, when he was released at .m 12:01 p.m. On May 9, 2012, nearly a year after he was released from prison, Messare appealed his conviction to the First District Court of Appeals in San Francisco. His lawyer, Dylan Schaffer, said the purpose of the appeal was to allow Messare to return to

