

Chauvin's Appeal and the Implications for Police Reforms

Other cops who killed Andrew Brown, Jr. in Elizabeth City declared justified in their actions

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*With the conviction of former police officer **Derek Chauvin** in the brutal murder of **George Floyd** on May 25, 2020, many had hoped that this rare legal occurrence represented a turning point in holding law-enforcement agents accountable for their use of lethal force involving interactions with Black and Brown peoples.*

Nonetheless, on the same day as the guilty verdict was announced in Minneapolis, a 16-year-old youth, **Ma'Khia Bryant**, was gunned down in Columbus, Ohio by cops.

Corporate news reports on the killing of Bryant brought a plethora of so-called experts on police services and culture to express their opinions that the gunman was once again justified in using deadly weapons. Many of these talking heads said that each case of police use of firearms against civilians should be viewed individually, that most officers are trained to respond in such situations and there is no pattern of racial bias.

Chauvin's defense lawyers in their appeal were expected to suggest that the jury was tainted due to the presence of one person at a March on Washington during August 2020, which commemorated the 57th anniversary of the 1963 gathering addressed by leading African Americans such as **Dr. Martin Luther King, Jr., A. Philip Randolph, Mahalia Jackson, Odetta, Josephine Baker, Daisy Bates, Bayard Rustin**, among others.

Could the presence of one African American at the rally in 2020 be considered by the defense to be enough to disqualify participation on a jury which decided the fate of Chauvin? A commemoration of the March on Washington was conveniently categorized as a "Black Lives Matter" activity, evoking the right-wing demonization of the Movement as a threat to policing across the United States.

Yet BLM and all antiracist campaigns since 2020 have been of a mass character. People have participated through a myriad of expressions which includes marches, rallies, letter writing, car caravans, bicycle rides, leafleting, social media posts, public debates and

cultural work. The murder of **George Floyd, Ahmaud Arbery, Breonna Taylor, Hakim Littleton** and a long list of victims of police brutality were covered by media outlets locally, nationally and internationally.

It is almost impossible that anyone living in or outside the U.S. would not be aware of these killings, the demonstrations which arose in response to the unjustified murders of African Americans and the prosecutorial investigations into the legality of these acts of state sponsored repression and violence. The fact that Chauvin's defense lawyer would consider raising such issues illustrates the desperation of racist cops to ensure that their conduct on the job is not subjected to any scrutiny.

However, the actual efforts aimed at winning a new trial for Chauvin are based on a number of issues such as pretrial publicity, the alleged unfairness of the proceedings to the former police officer and the failure to grant a change of venue in the case since the defense is arguing that their client could not receive a fair trial in Minneapolis.

According to an article published by the Associated Press on May 5 it outlines some of the issues raised by Chauvin's defense lawyer Eric Nelson. The article says:

"Nelson also took issue with Cahill's refusal to sequester the jury for the trial or warn them to avoid all media, and with his refusal to allow a man who was with Floyd at the time of his arrest to testify. Nelson said Cahill also abused his discretion when he submitted jury instructions that Nelson said failed to accurately reflect the law on the murder charges and use of force, permitted the state to present cumulative evidence on use of force, and ordered the state to lead witnesses on direct examination, among other things." (See [this](#))

In an even more outrageous claim filed by Chauvin's attorney, this same reports notes that:

"Nelson also asked the judge for a hearing to impeach the verdict on the grounds that the jury committed misconduct, felt race-based pressure, felt intimidated or threatened, and/or failed to adhere to jury instructions, though the filing did not include details about that assertion. To impeach a verdict is to question its validity. The brief did not mention recent reports that one of the jurors participated in an Aug. 28 march in Washington, D.C., to honor Martin Luther King, Jr."

Some legal analysts believe that the likelihood of Chauvin having the verdicts impeached or being granted a new trial is almost nil. Nevertheless, objectively it was the strength of the antiracist movement in the U.S. and worldwide which created the political atmosphere for the indictments of Chauvin and three other former police officers.

Absent of the mass demonstrations, rebellions and other forms of protests, it is highly unlikely that the Chauvin trial, his convictions on three counts of murder and the subsequent federal indictments by the Justice Department, would have ever taken place. People are routinely killed by the police in the U.S., and it is extremely rare that the perpetrating officers are charged with any crimes.

Andrew Brown, Jr. Killing Deemed Justified by North Carolina Authorities



In another high-profile police killing of an African American, **Andrew Brown, Jr.**, 42, on April 21, in Elizabeth City, North Carolina, the family and lawyers for the victim have been attempting to obtain the release of all police body cam footage of the incident. Brown, who was unarmed, was shot several times in the back, including the head, while he was driving away from his home.

The Pasquotank County District **Attorney Andrew Womble** said on May 18 that the officers' behavior was justified since they were attempting to apprehend what he described as a violent felon who was utilizing his vehicle as a dangerous weapon. Such language is typical in prosecutorial investigations of police misconduct particularly when African Americans and other people of color are involved as victims.

A lawyer for the family of Brown, Atty. Wayne Kendall, told the media in response to the DA's decision not to prosecute the police that a local judge:

"[D]id not allow all of the defense team to see the videos. He only allowed one representative who was a North Carolina-licensed attorney to view that 19-minute segment of the four or five bodycam videos. And what our representative who saw those videos stated to us was that Andrew Brown had his hands visible on the wheel of the vehicle when the videos began and his hands were clearly visible at all times. The deputies shouted commands to him. He backed his car up and drove across a vacant lot, which is next door to his home, and they were shooting into the vehicle. According to our representative, the shots started before he ever put the vehicle in reverse to try to flee that particular scene. So there is a discrepancy between what our representative said he saw and what the district attorney indicated yesterday in his press conference that was on the videos. So we don't know until we see all of the videos in their entirety as to what those videos actually show." (See [this](#))

On May 19, another lawyer for the Brown family, **Atty. Chance D. Lynch**, announced that a civil lawsuit was being filed for the wrongful death of the victim. Lynch said that he had already filed a petition demanding the release of all related police videos of the entire encounter between the officers and Brown.

Police Reform Must Be Comprehensive Nationally

More people in the U.S. are advocating the defunding and even dismantling of police forces as they currently exist. Some reforms such as de-escalation tactics and the curtailing of traffic stops have been instituted in some cities.

In Newark, New Jersey, city officials working under **Mayor Ras Baraka**, say that due to changes in policing practices, officers did not fire their weapons at all during 2020. Baraka also stated in a recent "60 Minutes" CBS News program that crime has been reduced by

50% due to changes in the conduct of police.

Despite this seemingly improvement in police-community relations in Newark, in other regions of the U.S. the overall conditions are worsening. The Justice Department has been raised by the attorneys for the family of Andrew Brown, Jr. seeking their intervention to investigate whether federal civil rights laws were violated. The Justice Department under Attorney General Merrick Garland announced in April that consent judgments were being leveled against several municipalities including Minneapolis where Floyd was killed and Louisville, the home of Breonna Taylor, shot to death in her apartment in an apparent case of mistaken identity.

The origins of policing in the U.S. are to be found within the war against Indigenous, African and working class people. Consequently, it will take far more than policy reforms to end police brutality. The entire system of oppression and exploitation as a whole must be eliminated.

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Featured image: Elizabeth City protests demanding justice for Andrew Brown, Jr. (All images in this article are from the author)

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