

Journal (Nov. 24, 2015), available at <http://www.ohio.com/news/nation/officer-charged-with-murder-in-teen-s-death-video-released-1.642991> (accessed January 28, 2016).

4. Attached to my affidavit as Exhibit 3 is a true and correct copy of the article *Chicago Police-Shooting Video Ignites Protests*, Dayton Daily News (Nov. 25, 2015), available at <http://www.daytondailynews.com/news/news/crime-law/dash-cam-video-released-of-chicago-police-shooting/npWKc/> (accessed January 28, 2016).

5. Attached to my affidavit as Exhibit 4 is a true and correct copy of the article *Chicago Protesters to Target Shopping Area Friday*, Youngstown Vindicator (Nov. 26, 2015), available at <http://www.vindy.com/news/2015/nov/26/chicago-protesters-to-target-shopping-ar/?newswatch> (accessed January 28, 2016).

6. Attached to my affidavit as Exhibit 5 is a true and correct copy of the article *Protest Over Chicago Teen's Shooting Ties up Retail District*, Toledo Blade (Nov. 27, 2015), available at <http://www.toledoblade.com/Police-Fire/2015/11/27/Protest-over-Chicago-teen-s-shooting-ties-up-retail-district.print> (accessed January 28, 2016).

7. Attached to my affidavit as Exhibit 6 is a true and correct copy of the article *Chicago Mayor Fires Police Chief in Wake of Video Release*, Columbus Dispatch (Dec. 1, 2015), available at http://www.dispatch.com/content/stories/national_world/2015/12/01/1201-chicago-mayor-fires-police-chief-in-wake-of-video-release.html (accessed January 28, 2016).

FURTHER AFFIANT SAITH NAUGHT.

[SIGNATURE AND ACKNOWLEDGMENT ON FOLLOWING PAGE]

Darren W. Ford
Darren W. Ford

STATE OF KENTUCKY)
) ss.
COUNTY OF KENTON)

Sworn to and subscribed before me, a Notary Public, on January 29, 2016.

Crystal Ridge
Notary Public

October 20, 2018
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EXHIBIT 1 (2d Ford Aff.)

Chicago officer charged with murder in killing of black teen, video released



Attorney Daniel Herbert, center, talks to reporters after the bond hearing for his client, Chicago police officer Jason Van Dyke, on murder charges in the killing of 17-year-old Laquan McDonald, Tuesday, Nov. 24, 2015, in Chicago. Van Dyke's hearing is just a day ahead of a deadline for the city to release a squad-car video of the shooting. (AP Photo/Charles Rex Arbogast)

By **Associated Press**

AP

on November 24, 2015 at 6:42 PM, updated November 24, 2015 at 7:40 PM

CHICAGO — A white Chicago police officer who shot a black teenager 16 times last year was charged with first-degree murder Tuesday, hours before the city released a video of the killing that many people fear could spark unrest.

City officials and community leaders have been bracing for the release of the dash-cam video, fearing the kind of unrest that occurred in cities such as Baltimore and Ferguson, Missouri, after young black men were slain by police or died in police custody.

A judge ordered that the recording be put out by Wednesday. Moments before the footage was made public Tuesday evening, the mayor and the police chief appealed for calm.

"People have a right to be angry. People have a right to protest. People have a right to free speech. But they do not have a right to ... criminal acts," Police Superintendent Garry McCarthy said.

The relevant portion of the video runs for less than 40 seconds and has no audio.

EXHIBIT 1 (2d Ford Aff.)

Laquan McDonald, 17, swings into view on a four-lane street where police vehicles are stopped in the middle of the roadway. As he jogs down the street, he appears to pull up his pants and then slows to a brisk walk, veering away from two officers who are emerging from a vehicle and drawing their guns.

Almost immediately, one of the officers appears to fire from close range. McDonald spins around and crumples to the pavement. The second officer simultaneously lowers his weapon.

The car with the camera continues to roll forward until the officers are out of the frame. Then McDonald can be seen lying on the pavement, moving occasionally. At least two small puffs of smoke can be seen coming off his body as the officer continues firing.

In the final moments, an officer can be seen kicking something out of McDonald's hands.

Authorities have said the teen had a knife, and a 3-inch knife was recovered from the scene.

City officials spent months arguing that the footage could not be made public until the conclusion of several investigations. After the judge's order, the investigation was quickly wrapped up and a charge announced.

Cook County State's Attorney Anita Alvarez defended the 13 months it took to charge officer Jason Van Dyke. She said cases involving police officers present "highly complex" legal issues and she would rather take the time to get it right than "rush to judgment."

Alvarez said the impending release prompted her to move up the announcement of the murder charge out of concern the footage could spark violence.

"It is graphic. It is violent. It is chilling," she said. "To watch a 17-year-old young man die in such a violent manner is deeply disturbing. I have absolutely no doubt that this video will tear at the hearts of all Chicagoans."

But she insisted that she made a decision "weeks ago" to charge Van Dyke and the video's ordered release did not influence that.

Some community leaders said there was no doubt that Alvarez only brought charges because of the order to release the video from Oct. 20, 2014.

"This is a panicky reaction to an institutional crisis within the criminal-justice system," said the Rev. Jesse Jackson, who said he hoped to see "massive" but peaceful demonstrations.

Months after McDonald's death, the city agreed to a \$5 million settlement with his family, even before relatives filed a lawsuit.

The city's hurried attempts to defuse tensions also included a community meeting, official statements of outrage at the officer's conduct and an abrupt announcement Monday night that another officer who has been the subject of protests for months might now be fired.

"You had this tape for a year, and you are only talking to us now because you need our help keeping things calm," the Rev. Corey Brooks said of Monday night's community gathering with Mayor Rahm Emanuel.

An autopsy report says McDonald was shot at least twice in his back. It also said PCP, a hallucinogenic drug, was found in his system.

At the time of his death, police were responding to complaints about someone breaking into cars and stealing radios.

Van Dyke, who was denied bond on Tuesday, was the only officer of the several who were on the scene to open fire. Alvarez said the officer emptied his 9 mm pistol of all 16 rounds and that he was on the scene for just 30 seconds before he started shooting. She said he opened fire just six seconds after getting out of his vehicle and kept firing even though McDonald dropped to the ground after the initial shots.

EXHIBIT 1 (2d Ford Aff.)

At Tuesday's hearing, Assistant State's Attorney Bill Delaney said the shooting lasted 14 or 15 seconds and that McDonald was on the ground for 13 of those seconds.

Van Dyke's attorney, Dan Herbert, maintains his client feared for his life and acted lawfully and that the video does not tell the whole story. Van Dyke, though stripped of his police powers, has been assigned to desk duty since the shooting.

Herbert said the case needs to be tried in a courtroom and "can't be tried in the streets, can't be tried on social media and can't be tried on Facebook."

Chicago police also moved late Monday to discipline a second officer who shot and killed an unarmed black woman in 2012 in another incident that caused tensions between the department and minority communities.

McCarthy recommended firing officer Dante Servin for the shooting of 22-year-old Rekia Boyd, saying Servin showed "incredibly poor judgment." A judge acquitted Servin of involuntary manslaughter and other charges last April, and Alvarez was accused of having not prosecuted the case properly.

Jackson said a special prosecutor should oversee the Van Dyke case instead of Alvarez's office.

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Ohio.com EXHIBIT 2 (2d Ford Aff.)

Akron Beacon Journal • Thursday, January 28, 2016

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Officer charged with murder in teen's death; video released

By Don Babwin and Jason Keyser
Associated Press

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CHICAGO: A white Chicago police officer who shot a black teenager 16 times last year was charged with first-degree murder Tuesday, hours before the city released a video of the killing that many people fear could spark unrest.

City officials and community leaders have been bracing for the release of the dash-cam video, fearing the kind of turmoil that occurred in cities such as Baltimore and Ferguson, Mo., after young black men were slain by police or died in police custody.

A judge ordered that the recording be made public by Wednesday. Moments before it was released, the mayor and the police chief appealed for calm.

EXHIBIT 2 (2d Ford Aff.)

"People have a right to be angry. People have a right to protest. People have a right to free speech. But they do not have a right to ... criminal acts," police Superintendent Garry McCarthy said.

The relevant portion of the video runs for less than 40 seconds and has no audio.

Laquan McDonald, 17, swings into view on a four-lane street where police vehicles are stopped in the middle of the roadway. As he jogs down an empty lane, he appears to pull up his pants and then slows to a brisk walk, veering away from two officers who are emerging from a vehicle and drawing their guns.

Almost immediately, one of the officers appears to fire from close range. McDonald spins around and crumples to the pavement. The second officer simultaneously lowers his weapon.

The car with the camera continues to roll forward until the officers are out of the frame. Then McDonald can be seen lying on the ground, moving occasionally. At least two small puffs of smoke are seen coming off his body as the officer continues firing.

In the final moments, an officer kicks something out of McDonald's hands.

Police have said the teen had a knife. Cook County State's Attorney Anita Alvarez said Tuesday that a 3-inch knife with its blade folded into the handle was recovered from the scene.

Shortly after the video's release, protesters began marching through streets. Several hundred people blocked traffic on the near West Side. Some circled police cars in an intersection and chanted "16 shots."

"I'm so hurt and so angry," said Jediah Brown, a South Side activist and pastor who had just seen the video. "I can feel pain through my body."

Protesters were accompanied by many police officers, and no violence was immediately reported.

City officials spent months arguing that the footage could not be made public until the conclusion of several investigations. After the judge's order, the investigations were quickly wrapped up and a charge announced.

Alvarez defended the 13 months it took to charge officer Jason Van Dyke. She said cases involving police present "highly complex" legal issues and that she would rather take the time to get it right than "rush to judgment."

Alvarez said concern about the impending release prompted her to move up the announcement of the murder charge.

"It is graphic. It is violent. It is chilling," she said. "To watch a 17-year-old young man die in such a violent manner is deeply disturbing. I have absolutely no doubt that this video will tear at the hearts of all Chicagoans."

But she insisted that she made a decision "weeks ago" to charge Van Dyke and the video's ordered release did not influence that.

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Months after McDonald's death, the city agreed to a \$5 million settlement with his family, even before relatives filed a lawsuit.

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EXHIBIT 3 (2d Ford Aff.)

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Chicago police-shooting video ignites protests

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CHICAGO — The release of the Chicago police-shooting dash-cam video of the October 2014 shooting of 17-year-old Laquan McDonald, who is black, by a white police officer in Chicago ignited wide-spread street protests within minutes.

McDonald was shot 16 times on Oct. 20, 2014. Police dash cam video of the shooting, which is graphic, was used by Cook County prosecutors to determine charges against Officer Jason Van Dyke, who was charged Tuesday with first-degree murder in the slaying.

Cook County State's Attorney Anita Alvarez said the release of the video did not influence her decision to bring charges, but she did move up her timeline after a judge decided to release the video to the public. Alvarez said she decided weeks ago to bring first-degree murder charges but held off while she awaited results from a federal investigation.

Alvarez described the video after Van Dyke was arraigned Tuesday.

"At 9:57:36, McDonald has crossed over the white lane divider away from the officers, and Officer Van Dyke has taken at least one step towards McDonald with his weapon drawn. The officer then opened fire on Laquan, whose arm jerks, his body spins around and he falls to the ground. While Laquan is falling to the ground the defendant takes at least one more step towards him, at which point the angle of the dash camera changes and we can no longer see the officer in the frame of the video. Two seconds later, Laquan McDonald is lying on the street on his right side, and the video captures what appears to be two puffs of smoke coming from the ground near his body. These puffs of smoke were later identified as clouds of debris caused by the fired bullets. At 9:57:51, McDonald is still lying on the street and the last visible shot is fired."

Protests continued late into Tuesday night.

For more information on this story from our news partner CBS Chicago, including video of the shooting, click here. Warning: the video is graphic.

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EXHIBIT 3 (2d Ford Aff.)



chicago Protesters to target shopping area Friday

Thursday, November 26, 2015

Associated Press

CHICAGO

Small groups of demonstrators gathered again Wednesday to protest the death of a black teen shot by a white police officer, and they urged supporters to join them in trying to shut down Chicago's famous Michigan Avenue shopping district during the Black Friday shopping bonanza.

About two dozen protesters gathered outside Mayor Rahm Emanuel's office a day after authorities released a graphic squad-car video showing the officer firing an entire magazine into 17-year-old Laquan McDonald. Jason Van Dyke was charged Tuesday with first-degree murder.

The group held banners showing photos of other black people fatally shot by police in Chicago and elsewhere. Several protesters said they were parents of black men killed by Chicago officers.

"You cannot kill our children and expect us to be quiet any longer," protester Quovadis Green said. "It is unacceptable."

Activist Mark Carter called on people to "rise up" and shut down the Magnificent Mile shopping area Friday. He said protesters also planned to target the Board of Trade and other landmarks in the coming days.

Carter and others want the Department of Justice to investigate the Chicago Police Department and its history of covering up bad behavior.

The Urban League of Chicago joined in the call for a federal investigation, alleging a pattern of "discriminatory harassment" against black people.

The Rev. Jesse Jackson said other officers involved in McDonald's death should be fired or at least suspended. He also wants a special prosecutor appointed to the case, complaining that Cook County State's Attorney Anita Alvarez took too long to bring a murder charge in the shooting, which happened more than a year ago.

Van Dyke was the subject of 18 civilian complaints over 14 years, including allegations that he used racial epithets and excessive force, police and court records show.

Complaints against police are not uncommon. But the number filed against Van Dyke was high compared with other officers. At least one person he arrested was later awarded \$350,000 in damages in a lawsuit.

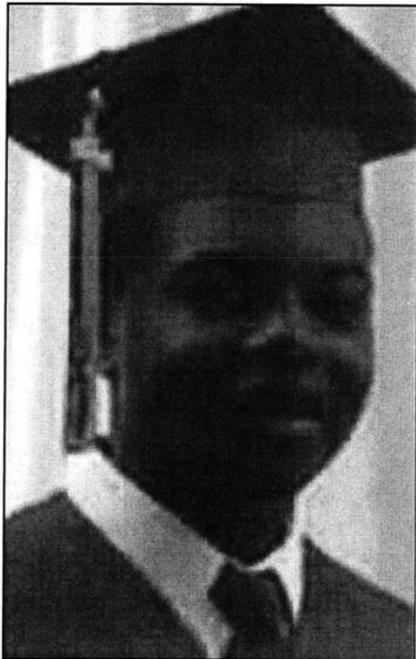
Protest over Chicago teen's shooting ties up retail district

11/27/2015

ASSOCIATED PRESS



A protester holds a sign Tuesday evening as people rally for 17-year-old Laquan McDonald, who was shot 16 times by Chicago Police Department Officer Jason Van Dyke.



McDonald

CHICAGO —Demonstrators angry about the killing of a black teenager who was shot 16 times by a white police officer last year marched through the streets and disrupted Black Friday shopping in Chicago's ritziest retail district.

Despite a cold, drizzling rain, hundreds of demonstrators turned out to protest today, the traditional beginning of the holiday shopping season along Michigan Avenue's Magnificent Mile.

Activists chanting "16 shots! 16 shots!" stopped traffic for blocks for up to an hour, expressing their anger over the Oct. 20, 2014, killing of 17-year-old Laquan McDonald and the subsequent investigation that they say was mishandled. Police officers along the sidewalk formed a barrier of sorts between the protesters and stores and helped shoppers get through the doors.

Facing a court-issued deadline, police on Tuesday released dashcam video of the teen's death, only hours after prosecutors charged the officer who repeatedly shot him, Jason Van Dyke, with first-degree murder.

Among the marchers was 73-year-old Frank Chapman of Chicago, who said the disturbing video confirms what activists have said for years about Chicago police brutality.

"That needs to end. Too many have already died," said Chapman, whose organization, the Chicago Alliance Against Racism and Political Oppression, is pushing for an elected, civilian police accountability council.

Van Dyke is being held without bond. His attorney said Van Dyke feared for his life when he fired at McDonald and that the case should be tried in the courtroom, not in social media or on the streets.

Protesters March On Magnificent Mile Chicago
For Laquan McDonald
 CBS Chicago



In recent days, there has been talk that marchers taking part in the Black Friday protest would engage in acts of civil disobedience, such as blocking store entrances to prevent shoppers from getting inside. On Thursday, one of the march's leaders, the Rev. Jesse Jackson, said no

such acts were planned, but they could happen.

"Some people may do that, I don't know," Jackson said.

The Rev. Michael Pfleger, a Roman Catholic priest and prominent local activist, said he thinks the march itself will cost businesses money because the publicity surrounding it will discourage shoppers from even venturing into the area.

EXHIBIT 5 (2d Ford Aff.)

All previous marches have been largely peaceful. There have been isolated clashes between police and protesters, with about 10 arrests and only a few minor reports of property damage. The police have allowed protesters to march in the middle of the street and even hold rallies in the middle of intersections, and on Thursday the department said it would handle today's march much the same way.

Throughout the week, protesters have expressed anger over the video of the shooting. They've also harshly criticized the department for its months-long effort to prevent the video from being released and the state's attorney's office for taking more than a year to file charges against the officer, despite having footage of the incident.

Van Dyke and other officers were responding to a report of a teen with a knife who had been breaking into cars on the night McDonald was shot.

The video released Tuesday shows McDonald jogging down a street and then veering away from Van Dyke and another officer who emerge from a police SUV drawing their guns. Within seconds, Van Dyke begins firing. McDonald spins around and falls to the pavement as Van Dyke keeps shooting.

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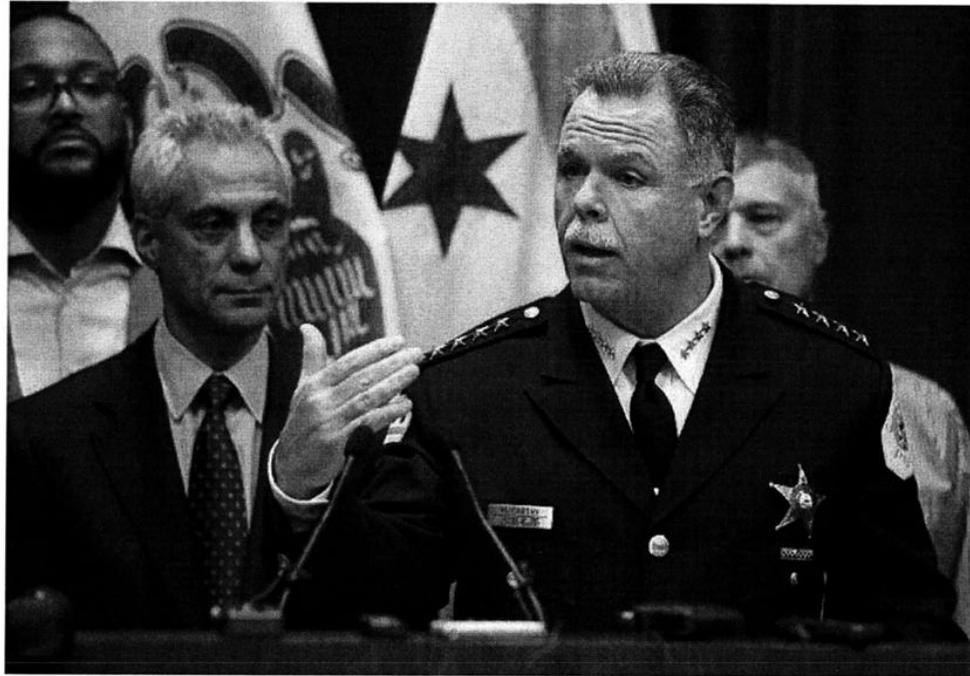
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Chicago Police Superintendent Garry McCarthy, right, speaks as Mayor Rahm Emanuel looks on at left.

By Don Babwin

Associated Press • Tuesday December 1, 2015 1:18 PM

0 0 4

CHICAGO (AP) — Mayor Rahm Emanuel fired the city's police superintendent Tuesday, a week after the release of a dash-cam video that showed a white Chicago officer fatally shooting a black teenager 16 times.

Emanuel called a news conference to announce the dismissal of Garry McCarthy, who only days ago insisted to reporters that the mayor had his "back."

The mayor praised McCarthy's leadership of the force but called it an "undeniable fact" that the public's trust in the police had eroded.

"Now is the time for fresh eyes and new leadership," Emanuel said.

Protesters have been calling for McCarthy's dismissal in response to the handling of the death of Laquan McDonald, a 17-year-old who was killed in October 2014.

Some aldermen, particularly members of the city council's black caucus, have also been seeking McCarthy's resignation, citing the city's crime rate and questions about the department transparency.

The city released video of the shooting only after a judge ordered it to be made public. The release set off several days of largely peaceful protests. Officer Jason Van Dyke has been charged with first-degree murder.

EXHIBIT 6 (2d Ford Aff.)

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"Any case of excessive force or abuse of authority undermines the entire force and the trust we must build with every community in the city," the mayor said. Police officers are only effective "if they are trusted by all Chicagoans, whoever they are and wherever they live in the city."

Emanuel introduced McCarthy as his pick to lead the department in May 2011, replacing former FBI agent Jody Weis, who was unpopular with many rank-and-file officers who claimed Weis did not stand behind them.

Alderman Howard Brookins Jr., a member of the black caucus, said he appreciated Emanuel's "willingness to change course."

Emanuel, who also announced a newly created task force on police accountability, said Chief of Detectives John Escalante will oversee the police department until a permanent replacement is named.

The mayor said he wants the next chief to safeguard public safety and restore trust between the community and the police.

McCarthy rose through the ranks of New York City's police department and was police director in Newark, New Jersey, when he was hired in Chicago. He promised he would "have the cops' backs."

At the time, Emanuel praised him for knowing how to run a large police force and said the city needed "a leader with Garry's depth of experience and a track record for delivering results."

In New York, McCarthy rose from patrolman to an executive position and was involved in rescue and recovery efforts after the Sept. 11 terrorist attacks before taking the job in New Jersey. But his time in Newark was not without challenges or complaints.

The NAACP in New Jersey said McCarthy was more concerned about improving the safety of downtown Newark than of its neighborhoods. The American Civil Liberties Union complained that Newark police were plagued with problems from lax internal oversight to issues of excessive force during arrests.

The silent Chicago video shows McDonald walking down the middle of a four-lane street. He appears to veer away from two officers as they emerge from a vehicle, drawing their guns. Van Dyke opens fire from close range and continues firing after McDonald crumples to the ground.

Police have said McDonald was carrying a knife, and an autopsy revealed that he had PCP, a hallucinogenic drug, in his system. Cook County State's Attorney Anita Alvarez has said the 3-inch blade recovered from the scene had been folded into the handle.

Defense attorney Dan Herbert says his client feared for his life, acted lawfully and that the video does not tell the whole story.

; the \$150,000 required of his \$1.5 million bail.

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