

## For Immediate Release

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## St. Louis Circuit Judge Finds Jason Stockley Not Guilty of Killing Anthony Lamar Smith

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**September 15, 2017 St. Louis, MO.** – Not Guilty was the finding announced today by 22<sup>nd</sup> Judicial Circuit Judge Timothy Wilson regarding murder charges against former St. Louis Metropolitan Police Department officer Jason Stockley. In 2016, Stockley was charged with First Degree Murder in the death of Anthony Lamar Smith. A bench trial began August 1, after the defense requested a waiver of a jury trial over the prosecutions objections.

"Of course, I'm disappointed with the court's decision," said Circuit Attorney Kimberly Gardner after the verdict. "As the Circuit Attorney for the City of St. Louis, I remain committed to holding people accountable for violating the law, regardless of their race, gender, occupation, or station in life.

"While officer-involved shooting cases are extremely difficult to prevail in court, I believe we offered sufficient evidence that proved beyond a reasonable doubt that Jason Stockley intended to kill Mr. Smith. However, in this case it was the judge's duty to evaluate the evidence and deliver his findings. That's how our system works. I'm very proud of my team's effort and commitment to the pursuit of justice on behalf of Mr. Smith's family and the people of St. Louis." Gardner said her job is to ensure a fair and transparent process and to vigorously present the evidence in the best manner possible, and her team did exactly that.

### Officer-Involved Shootings

"In light of the verdict, it's time to take a harder look at how officer-involved shootings are addressed in our city. I understand and appreciate the many challenges that face our city's police officers. It's very noble work. However, we need further examination and clarity in the laws that govern the use of deadly force by police officers." Gardner believes we must first change the way these cases are investigated. She says police cannot continue to investigate themselves.

Gardner is calling for an independent investigative body that works under the supervision of the Circuit Attorney that is solely dedicated to investigating the 25 cases that are under review by her office so the community has confidence that they are being handled fairly and objectively. She also thinks it's time for lawmakers to review the laws in place and bring more accountability to the system.

### "There Are Things We Can Do"

"We are in trying times. I understand that some people are frustrated and angry. I'm frustrated as well. There are things we can do," said Gardner. "We have the opportunity to show the world that, in the City of St. Louis, we can show our frustration in a strong yet peaceful manner. We can share what's on our minds without destroying the very city we all want to make a better place. Destruction of our community is not the answer. Rather, we need to build alliance to reform the shortcomings of the current approach."

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Gardner is asking the community to use their energy and voice and join her in working with state and local lawmakers to establish better ways to seek justice in officer-involved shooting cases. She is asking for the community's support in helping her secure the resources she needs to quickly and objectively investigate these cases. "I know there are better ways we can do this if we join together to make the system work for us all," Gardner said.

If there is civil unrest, Gardner and her staff have coordinated with local officials including the Mayor's office, City Counselor, Police Department, Sheriff and Missouri Highway Patrol to ensure individuals can safely exercise their constitutional rights to express their opinions. Should law enforcement make arrests for alleged illegal conduct involving violence, assaultive behavior or destruction of property, those arrests will be referred to the Circuit Attorney's team for review of potential state charges.

## **BACKGROUND**

### **The Judge's Options**

In July, Judge Wilson granted Jason Stockley's request for waiver of a jury trial. Therefore, the judge became the finder of fact in this matter, and he made the decision on whether or not Jason Stockley violated Missouri law when he shot and killed Anthony Lamar Smith. Under Missouri law, the judge could have considered finding Stockley guilty of Murder in the First Degree as charged or lesser crimes such as Murder in the Second Degree or Voluntary Manslaughter.

### **Overcoming the Self-Defense Burden**

Overcoming the burden of self-defense of a police officer is a challenging task. Missouri laws of self-defense and defense of others are most pertinent to this particular set of facts and circumstances. Missouri law requires that prosecutors prove beyond a reasonable doubt that Stockley was NOT acting in self-defense or the defense of others when he killed Smith. The self-defense claim applies to both citizens and police officers.

In addition, state law allows police officers to act based on their perceptions of danger (a reasonable person's perception). Prosecutors also reviewed whether or not the officers had the ability to use deadly force in making an arrest. Under Missouri law, police officers may use deadly force only to make an arrest when they reasonably believe both that deadly force is necessary to make the arrest and when they also reasonably believe that the person being arrested may endanger life or risk inflicting serious physical injury unless arrested without delay.

### **The Evidence Prosecutors Presented at Trial**

The fact that Anthony Smith was shot and killed by Stockley is not in dispute. What prosecutors worked to do was present evidence in court that they believe proved Stockley violated Missouri law when he shot Smith and then planted a gun in Smith's car to justify the killing.

#### *Cool Reflection/Deliberation*

Prosecutors charged Stockley with Murder in the First Degree, which requires the State of Missouri to prove that a defendant knowingly caused the death of another person after deliberation upon the matter. Deliberation means cool reflection for any length of time no matter how brief. Evidence of deliberation was presented at trial through Stockley's own statement. At 12:41:30 in the dash camera video, Stockley tells Bianchi "We're killing this mother\*\*\*\*, don't you know." Forty-five seconds later, he fatally shot Smith.

#### *Stockley's Statements Not Corroborated by Other Evidence*

Prosecutors believe Stockley's claim that Smith had a gun and was reaching for it at the time of the shooting was not corroborated by any of the videos or scientific evidence, nor by the actions and reactions of his partner. Prosecutors presented at trial that the actions of his partner were in stark contradiction to Stockley's own words and claims of self-defense.

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Prosecutors concluded that the credibility and reasonableness of Stockley's actions be judged through the simultaneous actions of his partner Officer Bianchi. Bianchi never fired his weapon. Bianchi holstered his weapon while standing by the driver's side of Smith's car at the fast food restaurant where Stockley claims Bianchi yelled gun. Bianchi approached Smith's car after the crash without his weapon drawn.

Stockley's testimony about seeing Smith with a gun in his right hand pointed at him while in the parking lot of the fast food restaurant is refuted by the physical evidence. Smith's Buick had a gear shift that had to be operated with the right hand. A button on the back of the gear shift had to be held to shift gears. In order to drive the car forward out of the parking lot after reversing, Smith would have had to have held the gear shift with his right hand and steering wheel with his left hand. As Smith quickly accelerated, there would not have been time for him to then grab a firearm and point it at Stockley.

Stockley's DNA profile was on every weapon he touched. Anthony Smith's DNA was not on any weapon.

The prosecution called 17 witnesses during the five-day trial. Stockley testified at his own trial and the defense presented only one other witness.

*# end #*