

## Lawyer: DA Jenkins is stalling 5-year-old homicide case against SFPD officer

by ELENI BALAKRISHNAN  
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Body camera footage shows Christopher Samayoa shoot Keita O'Neil, who was unarmed.

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This time last year, Christopher Samayoa was set to be the first-ever San Francisco police officer to sit a criminal trial for an on-duty homicide. He was charged by DA Chesa Boudin in 2020 for the death of Keita O'Neil, an alleged carjacker who was fleeing when Samayoa shot him in the head in 2017.

Today, nearly five years have passed since O'Neil's death, and his family has growing doubts about whether the case will ever go to trial.

Misrepresentations by a new DA's office spokesperson, poor treatment of O'Neil's family, and concerns that the case is being held to an unfairly high standard were among the complaints raised in a Friday letter to District Attorney Brooke Jenkins' office, signed by the O'Neil family's attorney, Neil Hallinan.

"We seek an update on the status of the case against Officer Samayoa, and we seek immediate action in putting this case on a path to trial," wrote Hallinan, who represents O'Neil's aunt, April Green.

Jenkins, who took office in July, 2022, after the heated recall of her predecessor, Boudin, has professed her dedication to holding police officers accountable for misconduct. She reportedly criticized Boudin's decision to offer plea deals to two Alameda County sheriff's deputies who brutally beat a man in a San Francisco alley.

But Jenkins has evaded questions about her intentions regarding currently pending charges against officers for various crimes. Boudin was the first District Attorney in San Francisco's history to put an SFPD officer on trial.

Although a jury in March found officer Terrence Stangel not guilty of the brutality charges leveled against him, advocates said it is important to take cases to trial to demonstrate that the SFPD will be held accountable.

Three months after taking office, Jenkins still has not given O'Neil's family a clear indication of whether she intends to follow through on prosecuting Samayoa.

"Ms. Green and I have grave concerns that your office has been intentionally trying to delay this prosecution until after the November election, so that you can avoid accountability from the public should you not proceed with this prosecution," the letter continued. Jenkins, the appointed incumbent, is the front-runner in the upcoming election for DA.

Green told Mission Local that Jenkins' newly appointed head of the Independent Investigations Bureau, Darby Williams, told her in a late August meeting that she would need "proof beyond a reasonable doubt, and then some," to proceed with prosecuting Samayoa.



District Attorney Brooke Jenkins speaks with Manny Yekutieli in September, 2022. Photo by Eleni Balakrishnan.

But this standard "is contrary to the law that treats all defendants by the same standards," Hallinan argued. Criminal cases already have the high burden of proof "beyond a reasonable doubt," and Williams' statement indicates she may treat Samayoa's case differently than other criminal prosecutions.

Statements from DA spokesperson Randy Quezada also raised alarms with Green and Hallinan: Quezada reportedly said that former DA George Gascón declined to prosecute Samayoa after "a thorough monthslong investigation," and that Boudin reopened the case and filed charges. Gascón's former chief of staff, however, refuted this claim: She said that the case stayed open until Boudin decided to file homicide charges in 2020.

When she learned that Boudin would prosecute Samayoa, Green said, "It's like he brought him back to life, he wasn't being forgotten."

O'Neil was accused of stealing a lottery van on Dec. 1, 2017. After a brief police chase, he jumped out of the car and began to run away. Samayoa, on just the fourth day of the job, fired a single shot through his window, striking and killing O'Neil.

Under a new use-of-force policy approved in December, 2016, officers are not permitted to fire shots from moving vehicles.

Green said that Black men like her nephew "will continue to be murdered if someone doesn't stand up."

Police Chief Bill Scott fired Samayoa, a rookie officer in his probationary period, in the months after the shooting. And last year, the city of San Francisco settled a civil lawsuit with O'Neil's family, approving a \$2.5 million payout to O'Neil's mother, Judy O'Neil.

But for O'Neil's family, and others who have long craved accountability for police officers who kill unarmed civilians, a criminal trial is essential.

Judy O'Neil has dementia and is struggling with ailing health, but Green says her sister still remembers that her son was killed.

"Before she closes her eyes, I need her to know there was justice," Green said.



Illustration of Keita O'Neil by Molly Oleson.

**Jimmyjamz@live.com**  
October 5, 2022 at 4:06 pm

What was the evidence presented in this article showing that Jenkins is stalling? Typically its the defense attorneys that stall cases so their clients only do soft time in county jail after "earning" loads of credit for time served. Widely known practice. Why did it take Gascon and then Boudin 9 years to secure a murder conviction against Vincent Jacobo on June 7th 2022?? Pro tip: homicide cases always move slow and thats rarely at the hands of the folks working towards justice for the victim.

**Mark**  
October 4, 2022 at 9:55 am

"proof beyond reasonable doubt and then some"? I think that says it all.

**Diane M Moore**  
October 3, 2022 at 7:55 pm

I'm truly believing the DA is purposely holding this case up now too from going to trail. Why not just use the evidence at hand and go to trail, and put this case to rest. Five yrs of stalling is truly not necessary. At least come time to vote, you can easily start removing Jenkins. BREED from office. When you cannot trust those in office to be truthful and caring of the public concerns. It's time to refresh those offices.

**Wamcob@comcast.net**  
October 3, 2022 at 4:16 pm

Innocent, till proven guilty by a jury of his peers. This is the right afforded to every person accused of a crime.

**d mwedes**  
October 4, 2022 at 9:07 am

that presumes there ever is a trial. these same tactics deprived my brother and sisters of justice throughout the jim crow era (did it really end yet?). history shows that governments become illegitimate and subject to overthrow when they fail to provide justice to everyone regardless of status or creed.