

FULLERTON STORIES

Trial Begins for Ramos and Cicinelli

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Story by [Elaine Murphy/FullertonStories.com](#) --

Both the prosecution and defense have rested their cases in the trial for the 2011 beating death of Kelly Thomas, leaving jurors to deliberate over evidence and witnesses' testimonies. Charged in Thomas' death are former Fullerton police officers Manuel Ramos, 39, and Jay Cicinelli, 41, who respectively face counts of second-degree murder and involuntary manslaughter, and excessive force and involuntary manslaughter. Thomas died five days after a July 5, 2011, altercation with six police officers (three of whom are being charged with his death) at the Fullerton Transportation Center.

For the prosecution, Orange County District Attorney Tony Rackauckas and Assistant District Attorney Jim Tanizaki argued that the officers' use of force was excessive and inappropriate and that Thomas died from injuries sustained from the incident. They called witnesses, including the physician who treated Thomas and the doctor who performed his autopsy, who stated that the cause of death was pressure on Thomas' chest from the officers' weight and blood in his nose from the beating, which led to a lack of oxygen in his brain.

Defense attorneys John Barnett (representing Ramos) and Michael Schwartz (representing Cicinelli) centered their arguments on a theory that 37-year-old Thomas died from a heart attack caused by an enlarged heart from drug use rather than from the officers' conduct during the beating. Though Thomas, known to have used methamphetamines from a young age, had no drugs or alcohol in his body when he died, the defense argued that his long history with drugs created the heart condition.

On the second day of testimony, the prosecution played the entire surveillance video of the beating for the jury, which is synchronized with audio from police officers' digital audio recorders. The video is a key piece of evidence in the case.

The prosecution called Dawn Scruggs, a forensics specialist for the Fullerton Police Department to the stand on the third day of the trial. Scruggs arrived at the scene of the incident – the Fullerton Transportation Center – after hearing officers relay a Code 3 on their radios, indicating they were in distress. She identified photos she took at the scene and of Thomas'

gruesome injuries in the hospital, and discussed the officers' condition at the scene, saying that the officers seemed "in a state of disbelief" and "tired."

Following Scruggs' testimony, Ron Stancyk, a paramedic captain for the Fullerton fire department, stated that Thomas' breathing was abnormal and that he had "a slow rate of breathing, a pulse rate of 60 and blood in his nose." Stancyk said that while Thomas wasn't conscious when paramedics arrived, he was a viable patient until his breathing stopped en route to the hospital in an ambulance. Medical personnel performed CPR until they reached the UC Irvine trauma center.

Dr. Aruna Singhania of the Orange County coroner's office, who performed Thomas' autopsy, relayed her findings to the jury through photos of the procedure: his heart was enlarged, his lungs filled with fluid but not traumatized. Although Thomas' heart was enlarged – which the defense argued contributed to a heart attack and caused his death – Singhania said it was not the cause of death.

"He died with an enlarged heart, not from an enlarged heart," she said.

"In the beginning, he has enough oxygen and he speaks louder and louder, but then the oxygen declines and he speaks softer and softer," she said, indicating that Thomas did not receive enough oxygen toward the end of the struggle to sustain him.

She also testified that facial injuries and the weight of the officers holding Thomas' arms and feet contributed to his death.

Her findings concluded that Thomas died from "anoxic encephalopathy due to mechanical chest compression, along with blunt cranial and facial injuries." Death or brain damage from anoxic encephalopathy occurs when the body does not receive enough oxygen.

In cross-examination, the defense attempted to debunk Singhania's testimony by questioning when she determined the cause of death. Singhania said she had seen the video and talked with Rackauckas before coming to her conclusion – which seemed to be necessary to give her the full picture of the incident, as she stated that she could not "have a cause of death without an investigation."

While discussing training tactics and viewing the video, former FBI tactics expert and unit chief John A. Wilson Jr. testified that the use of the Taser on Thomas' head was an inappropriate use of force, that Ramos walking away from Thomas indicated Ramos did not believe Thomas was threatening, and that Ramos putting on rubber gloves indicated that Ramos believed he would be exposed to blood or fluid.

Dr. Michael Lekawa, chief of the UC Irvine trauma center in Orange, treated Thomas after Thomas was transferred to the trauma center from St. Jude's Medical Center in Fullerton. Upon Thomas' arrival, Lekawa found that his respiration, blood pressure, and circulation were abnormal and critical, indicating Thomas was at an elevated risk of death. He said that Thomas was in a comatose state, and was given eight liters of blood and saline.

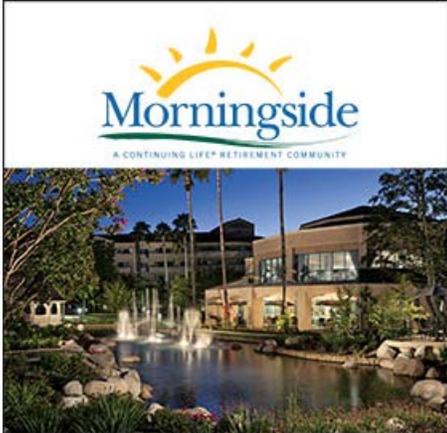
From treating Thomas and watching the surveillance video, Lekawa agreed with Singhania's findings from the autopsy and concluded that Thomas died from a lack of oxygen to the brain caused by head injuries and compression. While Thomas could speak during the incident, Lekawa said, his speech slowed and his breathing was insufficient to sustain his body.

"Seemingly, a reasonably young, healthy guy was being restrained and said he couldn't breathe. He is speaking in sentences, then single words, then garbled speech. Ultimately, he's not speaking at all. The head assault, compression, bleeding from his nose and facial fractures, ultimately led to a lack of oxygen to his brain," he said.

After the prosecution rested its case after five days, the defense called several medical experts to the stand, including Dr. Gary Vilke, a professor of emergency medicine at UC San Diego. Vilke disputed the prosecution's theory that Thomas died from lack of oxygen caused by the mechanical compression on his body from the weight of the officers, saying that Thomas could not have died from compression injuries because he was speaking and breathing throughout the altercation and when paramedics first arrived on the scene. Though he did not treat Thomas, Vilke has experience in researching and publishing articles on mechanical compression and in-custody deaths, and based his conclusions on medical records and the surveillance video of the incident.

After reviewing Thomas' medical records and coroner's images, Dr. Steven Karch, an emergency room physician who specializes in toxicology and heart conditions, testified that Thomas' heart was enlarged due to drug use or "methamphetamine cardiomyopathy." Karch also stated that Thomas' history of violent episodes was consistent with drug-induced psychosis, echoing the defense's core argument that, on the night of July 5, 2011, Thomas experienced a violent psychotic episode and presented a threat to officers.

Fullerton police officer Stephen Rubio, who trained Cicinelli on using a Taser, also testified for the defense, stating that Cicinelli's use of the Taser on Thomas' face was consistent with police department



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policy and training. To illustrate Thomas' history of violence, which defense attorneys say show that Thomas was a threatening person and thus justified to receive force from officers, the defense called a series of witnesses to prior meetings with Thomas. Thomas' grandfather, 91-year-old Walter Dieball, testified that Thomas hit him in the head with a fireplace poker in 1995, while his mother, Cathy, testified that Thomas grabbed her throat in 2010, leading her to seek a restraining order against her son.

Once the defense rested its case, the prosecution called Dr. Anthony Juguilon of the Orange County coroner's office for a rebuttal. Juguilon did not conduct Thomas' autopsy, but agreed with its findings that Thomas' compression injuries and asphyxiation led to his death.

The trial is moving faster than expected, and will begin closing arguments the week of January 6 after a two-week holiday recess. Another former officer, Joe Wolfe, is expected to stand trial this spring for involuntary manslaughter in connection with the case.

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