

Port to vote again on buyout of developer's rights to build hotel / **B3**

SAN DIEGO

CITY • COUNTY EDITION

TUESDAY
July 24, 2001



THE SAN DIEGO
UNION-TRIBUNE

C

New evidence in DuBose slaying

By Jeff McDonald
STAFF WRITER

An attorney for the family of Demetrius DuBose yesterday claimed new evidence proves the one-time professional football player was bent over when first shot by two San Diego police officers.



Demetrius DuBose

Attorney Benjamin Pavone will join members of the Coalition Against Police Brutality at a Lincoln Park protest today — the two-year anniversary of the fatal encounter that angered many local African-Americans.

Based on the bullets' paths, ballistics experts hired by the family testified in recent depositions, "it is undisputed that DuBose must have been almost completely bent over when the first bullets hit him," said Pavone.

Actual transcripts of the expert testimony have not been completed, the attorney said. The trial of the family's wrongful death lawsuit is expected before U.S. District Court jurors late this year or early in

2002.

"You can't argue with the science," Pavone said. "The science alone shows that DuBose was not a serious threat to officers, and they shot him when they didn't have to."

The lawyer representing the city of San Diego and the two police officers named in the lawsuit disputed that claim.

Deputy City Attorney Frank Devaney said DuBose, a former All-American at Notre Dame who spent four years with the Tampa Bay Buccaneers, may have been crouching in a "linebacker position" just before he was shot.

"There's no doubt ... that the first four shots came from the front," Devaney said. "The rest of the shots, there's no pattern at all."

The issue of how DuBose was positioned when he was shot is important because the officers said they opened fire as DuBose was about to attack them with martial-arts weapons he had wrested from them moments before.

Pepper spray and physical force had failed to subdue DuBose, according to police.

Officers were called to a Mission Beach apartment July 24, 1999, after a neighbor had come home and found DuBose

inside. The man told DuBose to leave and called police, who responded to what they thought was a burglary.

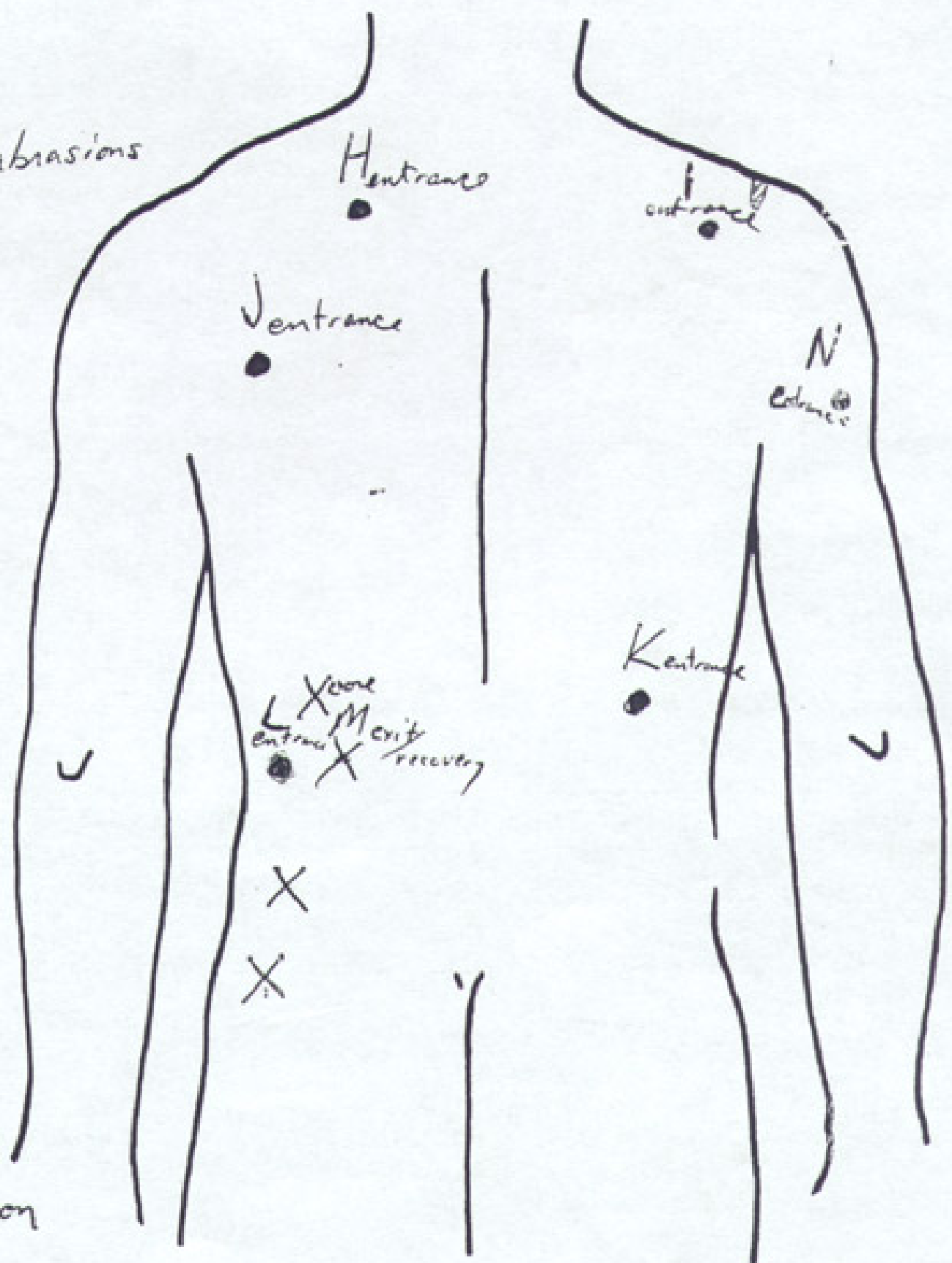
DuBose initially cooperated with officers but became confrontational when they tried to handcuff him, authorities said. He bolted toward Mission Boulevard, where he died less than one minute later.

The medical examiner reported DuBose suffered 12 gunshot wounds, including five in the back. Cocaine, alcohol and the drug Ecstasy were found in his system. Months later, District Attorney Paul Pfingst ruled that the shooting was justified, and the FBI and federal prosecutors found no violations of civil rights.

Many community members were outraged at the killing, one of several fatal encounters between San Diego police and minorities. DuBose was black; the two officers involved are white.

A group called the San Diego Community Coalition for Police Accountability scheduled a march today from the Euclid Transit Center to the corner of Euclid and Imperial avenues to draw attention to police use-of-force policies.

= abrasions



bullet

recovery sites

C. Shanty