



Written by [Bob Adelman](#) on December 1, 2017

## Kate Steinle's Killer Acquitted, Sparking Shock, Outrage

Immediately following the announcement late Wednesday that Kate Steinle's killer, an illegal immigrant going by the name of Garcia Zarate (he had many aliases), shown, was only going to be charged with felony possession of a handgun and not first-degree murder or even manslaughter, social media lit up. [Cyrus Firth](#) [twittered](#): "Let's get this straight ... in San Francisco, can you: - come here illegally? YES; - Unlawfully obtain a gun? YES; - Kill an innocent girl? YES; - be found "not guilty" for all? YES. THIS IS WHAT A SANCTUARY CITY LOOKS LIKE."



Others were more temperate. President Donald Trump, who used outrage over the killing of Steinle back in July 2015 as part of his campaign for the presidency, called the verdict "disgraceful," adding, "No wonder the people of our Country are so angry with illegal immigration." Attorney General Jeff Sessions blamed San Francisco's politicians for Steinle's death:

When jurisdictions choose to return criminal aliens to the streets rather than turning them over to federal immigration authorities, they put the public's safety at risk. San Francisco's decision to protect criminal aliens led to the preventable and heartbreaking death of Kate Steinle.

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Jim Steinle, Kate's father who was with her when she was shot, expressed shock at the jury's verdict: "We're just shocked — saddened and shocked — that's about it. There's no other way you can coin it. Justice was rendered but it was not served."

The narrative surrounding the charge of murder or manslaughter in the case is familiar: an illegal alien, who had been deported five times but returned to the United States a sixth time, with a record of seven felony arrests, is allowed to go free by San Francisco authorities even when they knew ICE (Immigration and Customs Enforcement) agents asked to be notified so they could pick him up for deportation. Within a few months, said illegal immigrant finds a gun, mishandles it, sending a round off the pavement and into the back of a young girl who dies within hours.

After weeks of hearing testimony the six-man, six-woman jury — three of whom were legal immigrants — deliberated for six days before reaching a verdict. They had to decide whether the shooting was intentional, or an accident. The lawyer for the alien immigrant, Matt Gonzalez said the verdict was legitimate and should be respected:

The jury's verdict should be respected. They heard the evidence. They deliberated as a group. They heard ... testimony. They looked at the physical evidence and they rendered a verdict to the best of their abilities in accordance with the law.

The challenge facing the prosecution was somewhat sizable: There was only circumstantial evidence upon which it could build a case. It had to prove that Zarate's killing of Steinle either was both willful and premeditated, or was the unlawful killing of a human being without malice aforethought. For first-



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degree murder charges to stick, the prosecution had to prove to the jury “beyond a reasonable doubt” that Zarate intended to kill Steinle. The Legal Dictionary defines that term as such “that no other logical explanation can be derived from the facts except that the defendant committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty.” The only way Zarate could have been convicted was for the prosecution to be so persuasive that the jurors “have no doubt as to the defendant’s guilt, or if their only doubts are unreasonable doubts.” The prosecution had to prove to the jurors, at the very least, that Zarate pulled the trigger of the gun. His pulling of the trigger in a public place, resulting in death, would have led to a negligent homicide conviction. The jury evidently believed that the gun went off accidentally, without Zarate pulling the trigger. In gun-familiar Montana or some other state where gun owners would recognize how unusual an accidental misfire would be with that type of gun, a jury might have convicted. In San Francisco, not.

After six days of deliberation, they acquitted Zarate. All that is left is their ruling that he was a felon in possession of a gun, which demands a jail term of between 16 months and three years. ICE officials have said they will immediately deport Zarate for the sixth time once he has served that sentence.

Some good is likely to come out of this unhappy and painful incident. Attorney General Sessions said, “I urge the leaders of the nation’s communities to reflect on the outcome of this case and consider carefully the harm they are doing to their citizens by refusing to cooperate with federal law enforcement officers.”

It’s helpful to remember that if immigration laws had been respected and enforced, Kate Steinle would most likely still be alive, and Zarate would never have been in the country, much less mishandling that firearm on San Francisco’s Pier 4 on July 1, 2015. Kate may be deceased but her cause lives on.

Image: [Screenshot of YouTube video by CBS SF Bay Area](#)

*An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at [badelman@thenewamerican.com](mailto:badelman@thenewamerican.com).*

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