



Written by [R. Cort Kirkwood](#) on August 2, 2020

St. Louis Prosecutor Tries, Fails, to Prosecute Cop Wilson in Michael Brown's Death

St. Louis County Prosecutor Wesley Bell (shown) announced yesterday that he wasted five months of his time, as well as the time of staffers and investigators, to find out what everyone knew five years ago about the shooting of Michael Brown on August 9, 2014: Officer Darren Wilson did not commit a crime when he shot and killed the thief.



Bell needn't have conducted the probe because a grand jury refused to indict the officer, and the Justice Department settled the matter years ago in a report that confirmed what Wilson said: Brown tried to kill him.

Still, Bell said, his office did not clear Wilson of wrongdoing. Bell just can't bring a prosecution to court.

I Won't Be Unethical

[Bell opened](#) his press conference by claiming that not charging Wilson was "one of the most difficult things I've had to do as an elected official" because Brown's death exposed just how brutal police are in enforcing the law in black communities.

Repeating the lie that police use "disproportionate and unnecessary force" against blacks, Bell delivered his report with a grim face and grimmer voice.

After five months of "examining thousands of pages of witness statements, forensic reports, and other evidence," his office could not, [he said](#), charge Wilson:

The question for this office was a simple one: could we prove beyond a reasonable doubt that when Darren Wilson shot Michael Brown, he committed murder or manslaughter under Missouri law....

We cannot prove that he did....

I do not intend to relitigate the evidence in this case.

Yet Wilson is not exonerated. "The question of whether we can prove a case at trial is different than clearing him of any and all wrongdoing," [the prosecutor said](#).

There are so many points at which Darren Wilson could have handled the case differently, and if he had, Michael Brown might still be alive.

But that is not the question before us. The only question is whether we can prove beyond a reasonable doubt that a crime occurred. The answer to that question is no, and I would violate my ethical duties if I nonetheless brought charges.

The Justice Department Report

Bell should have been happy he didn't have to charge the cop. Instead, he was disappointed because he



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knew a judge would have tossed the charges and likely admonished him. And, as he suggested, he could have landed in hot water for violating his profession's canon of ethics.

In 2015, after a grand jury refused to indict Wilson, the [Obama Justice Department released a report](#) that did indeed exonerate the officer. Brown was walking in the middle of the street after he robbed a convenience store when Wilson showed up and ordered him off the street.

Wilson shot Brown in the hand after Brown attacked the cop inside his SUV. Brown ran, and then turned around and rushed the cop.

Witnesses flatly lied to frame Wilson, one good reason Bell couldn't bring charges.

"Some witnesses claim that Brown's arms were never inside the SUV," [DOJ reported](#).

Those witness accounts could not be relied upon in a prosecution because credible witness accounts and physical and forensic evidence, i.e. Brown's DNA inside the SUV and on Wilson's shirt collar and the bullet trajectory and close-range gunshot wound to Brown's hand, establish that Brown's arms and/or torso were inside the SUV.

After the initial shooting inside the SUV, the evidence establishes that Brown ran ... and Wilson chased after him. The autopsy results confirm that Wilson did not shoot Brown in the back as he was running away because there were no entrance wounds to Brown's back.... Witnesses who say so cannot be relied upon in a prosecution because they have given accounts that are inconsistent with the physical and forensic evidence or are significantly inconsistent with their own prior statements made throughout the investigation.

Brown ran at least 180 feet away from the SUV ... then turned around and came back toward Wilson, falling to his death approximately 21.6 feet west of the blood in the roadway. Those witness accounts stating that Brown never moved back toward Wilson could not be relied upon in a prosecution because their accounts cannot be reconciled with the DNA bloodstain evidence and other credible witness accounts.

Several witnesses stated that Brown appeared to pose a physical threat to Wilson as he moved toward Wilson. According to these witnesses, who are corroborated by blood evidence in the roadway, as Brown continued to move toward Wilson, Wilson fired at Brown in what appeared to be self-defense and stopped firing once Brown fell to the ground. Wilson stated that he feared Brown would again assault him because of Brown's conduct at the SUV and because as Brown moved toward him, Wilson saw Brown reach his right hand under his t-shirt into what appeared to be his waistband. There is no evidence upon which prosecutors can rely to disprove Wilson's stated subjective belief that he feared for his safety....

Although there are several individuals who have stated that Brown held his hands up in an unambiguous sign of surrender prior to Wilson shooting him dead, their accounts do not support a prosecution.... Some of those accounts are inaccurate because they are inconsistent with the physical and forensic evidence; some of those accounts are materially inconsistent with that witness's own prior statements.... Certain other witnesses who originally stated Brown had his hands up in surrender recanted their original accounts, admitting that they did not witness the shooting or parts of it, despite what they initially reported either to federal or local law enforcement or to the media. Prosecutors did not rely on those accounts when making a prosecutive decision.



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While credible witnesses gave varying accounts of exactly what Brown was doing with his hands as he moved toward Wilson ... they all establish that Brown was moving toward Wilson when Wilson shot him.

That truth suggests that Bell didn't "reinvestigate" the case because he thought Wilson was guilty. Rather, he likely wanted to reopen old wounds.

Photo: AP Images

R. Cort Kirkwood is a long-time contributor to The New American and a former newspaper editor.



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