



Written by [Bob Adelman](#) on September 18, 2017

Why Did the Judge Acquit a St. Louis Police Officer of Killing a Black Man?

The [decision on Friday to acquit a white St. Louis police officer](#) in the fatal shooting of a black man back in December 2011 predictably set off rioting in the city. It didn't occur to the rioters that, according to the evidence in the case, Officer Jason Stockley's use of force was reasonable, to defend his own life against a potentially lethal threat exhibited by Anthony Lamar Smith. It didn't matter that the judge found that the state failed to prove its allegation that the gun found in Smith's Buick that night was deliberately planted there by Stockley.



It didn't matter that Judge Timothy Wilson has ruled both for and against the police during his 28 years on the bench. It didn't matter that he is highly regarded by his peers, that he is viewed as an unbiased judge who has no ideological ax to grind except to get the facts straight and make the decision proper under the circumstances.

None of that mattered. Once Wilson's decision was filed late Friday afternoon, the BLM rioters and their useful idiots brought out their pre-printed signs and started destroying property. When police arrived to quell the unrest, BLM thugs and others encouraged by them started attacking the police.

Much of the mainstream media have been willing — too willing — to uncritically circulate the anti-cop narrative that a white police officer should have been found guilty of murder for killing a supposedly unarmed black man, without including in their news accounts the evidence showing otherwise. Put simply: The white cop was guilty. Guilty. GUILTY! Let the rioting begin!

Yet the facts in the case tell a different story.

And the facts were examined by more than just Judge Wilson.

The FBI investigated the shooting right after it occurred, and never filed charges. The Civil Rights Division of Obama's Department of Justice (DOJ) investigated, and never filed charges. An internal investigation by the St. Louis Police Department revealed that Stockley violated a rule that had nothing to do with the case, and sanctioned him for that. No other charges were filed against Stockley until the spring of 2016, more than four years after the incident, when then-Circuit Court Attorney Jennifer Joyce charged Stockley with first-degree murder and armed criminal action by allegedly planting a gun in Smith's vehicle.

For Judge Wilson, his ruling is clear: Stockley is innocent of both charges, and he is now free to get on with the rest of his life. Said Stockley, after learning that the charges against him had been dismissed, "It feels like a burden has been lifted.... My main concern now is for the first responders [in St. Louis], the people just trying to go to work and the protesters. I don't want anyone to be hurt in any way over



this.”

Wilson is held in high regard in St. Louis. Jack Garvey, a lawyer and former judge himself, told the *St. Louis Dispatch*: “He’s very methodical and a very objective judge. He really will review everything before he makes a decision. I don’t think he’s ideological in any way. He just takes each case as they come to him.” Joel Schwartz, a defense attorney, added: “He’s been in St. Louis and has seen thousands of cases and understands evidence.... My feeling on Judge Wilson is he’s a man who will do the right thing.” Another defense lawyer in St. Louis, Terence Neihoff, said: “Over the years he’s been remarkably consistent. He doesn’t just automatically believe the police.”

In his decision, Judge Wilson began by reviewing the constraints under which he operates: “A judge shall not be swayed by partisan interests, public clamor or fear of criticism,” adding that “a fair, impartial and independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge’s friends or family.”

Wilson then described what happened. When Stockley and another officer, Brian Bianchi, exited their police vehicle to investigate a suspected drug transaction in a parking lot, “Smith rapidly pulled forward ... then frantically drove his Buick backward into the marked police vehicle twice, before speeding away at a high rate of speed.” Stockley testified that before the Buick exited the parking lot, he heard Bianchi yell “gun,” “indicating Smith had a gun in the car,” and that he (Stockley) also saw a gun. Stockley was struck in the arm by Smith’s car as Smith was fleeing the scene.

Stockley and Bianchi got back into their vehicle and pursued Smith, who, Wilson recounted in his decision, “drove at speeds up to 87 miles per hour, on wet roads, endangering other drivers and pedestrians. The pursuit ended when Smith drove into oncoming traffic and was bumped from behind by the police vehicle being driven by Brian Bianchi.”

Stockley got out of the police vehicle and approached Smith, who was still in the Buick. Wilson described what happened next:

Stockley told Smith to “show me your hands” repeatedly, but Smith continued reaching around [inside his vehicle]. Suddenly, Smith’s demeanor changed, around fifteen seconds after Stockley reached the driver’s window, when Smith reached between the seats, and Stockley said he thought Smith had retrieved the gun.

Stockley reached for his [service revolver] and stepped back because he was scared Smith would pull up his hand and shoot him. Stockley then fired several shots at Smith, which ultimately resulted in Smith’s death.

Judge Wilson reiterated what the dashcam video from the police cruiser, along with other video testimony provided by observers that night, revealed:

Stockley approached the driver’s side, appeared to attempt to open the door and, as testified to by the State’s own witnesses, ordered Smith to open the door and to show his hands. Stockley also warned another officer to “watch his hands.” It was not until fifteen seconds after Stockley arrived at the driver’s side door, that he unholstered his service revolver and fired several shots in succession.

What about the “planting” charge? DNA evidence indicated that Stockley had touched the gun, but Wilson noted that Stockley quite properly unloaded Smith’s weapon after the shooting, placing the



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empty firearm and the rounds on the passenger seat. Of course, if Wilson had actually planted the gun, as opposed to rendering the gun safe, he would have had to bring it to Wilson's car to begin with. Regarding this scenario, Wilson concluded that, if the gun were planted, Stockley would have been observed with the gun. Wilson wrote:

Stockley can be seen on all sides while walking around the two vehicles [the Buick and adjacent police vehicle]. Stockley does not have a jacket on over his blue police uniform. There is no gun, other than his holstered service revolver, visible in his hands, in his pockets or tucked inside his belt, and there is no bulge from a gun in any pocket.

Later in his decision, Wilson added:

The gun [found in the car] was a full size revolver and not a small gun, such as a derringer, that can fit in the palm of one's hand or into the side pocket on a pair of pants without being obvious. Stockley was not wearing a jacket; if he had such a gun in his possession it would have been visible on the cell phone video. The gun was too large to fit entirely within any of the pockets on the pants he was wearing, there was no bulge in any pocket indicating a gun within the pocket, and the gun would have been visible if it was tucked into his belt.

Also, Wilson noted that "one obvious question the State made no attempt to answer was how Anthony Smith could have been shot in the left lower abdomen by a person standing outside the car if Smith was simply sitting in the driver's seat." Wilson then referred to expert testimony of the doctor who conducted the autopsy, who "testified that the wounds in Smith's left flank could indicate that Smith was reaching for something to his right at the time the wounds occurred."

The state argued that a statement made by Stockley, and captured on audio, during the high-speed chase indicated that Officer Stockley intended to kill Smith. However, Wilson reasoned in his decision:

Commencing in the parking lot ... when Anthony Smith rammed into the police vehicle twice, and then struck Stockley's arm with the car while fleeing, officers Bianchi and Stockley were involved in a dangerous high speed pursuit. It is apparent from the dash cam audio and video that the pursuit was stressful both from the high speed nature of the pursuit and from confusion caused by the multiple radios and communications with a dispatcher. People say all kinds of things in stressful situations, and whether Stockley's statement that "we're killing this m*****f*****," which can be ambiguous depending on the context, constituted a real threat of action or was a means of releasing tension has to be judged by his subsequent conduct.

Wilson concluded: "The Court does not believe Stockley's conduct immediately following the end of the pursuit is consistent with the conduct of a person intentionally killing another person unlawfully," elaborating:

Stockley did not approach the Buick and immediately shoot Smith multiple times.... Stockley approached the driver's side, appeared to attempt to open the door and, as testified to by the State's own witnesses, ordered Smith to open the door and to show his hands. Stockley also warned another officer to "watch his hands." It was not until fifteen seconds after Stockley arrived at the driver's side door, that he unholstered his service revolver and fired several shots in succession.

At the end of his 30-page ruling, Wilson "decreed that the State has failed in its burden of proof and the Court finds that defendant is not guilty of both charges in this case: murder first degree and armed criminal action."



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As noted above, none of this matters to Black Lives Matter radicals. What matters is that a white cop shot a black man and a judge found the cop to be innocent. That narrative is all that is necessary to justify rioting, looting, firing stores and businesses, and attacking police trying to quell the violence. In its war against the police, BLM radicals will use any excuse to light the match.

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