

Rayshard Brooks killing: Former Atlanta Officer Garrett Rolfe charged with murder, could face death penalty

Garrett Rolfe, the Atlanta police officer fired after the killing of Rayshard Brooks last week, now faces 11 charges including felony murder, which could potentially lead to the death penalty, a Georgia district attorney announced Wednesday.

A second officer, Devin Brosnan, is facing three charges, including aggravated assault, Fulton County District Attorney Paul Howard Jr. said at a news conference.

During the announcement, Howard said that Brosnan had agreed to give a statement against Rolfe and become a “state’s witness” — but Brosnan’s attorneys later disputed that claim.

“He honestly told the DA’s office everything that happened during a lengthy interview yesterday,” attorney Don Samuel told Fox News. “He will continue to tell the DA or the GBI (Georgia Bureau of Investigation), or any other investigator what happened. But, he is absolutely not guilty of any crime and will not plead guilty and has not agreed to be a ‘state’s witness.’”

Brooks was shot and killed outside a Wendy’s restaurant where he’d apparently fallen asleep in his car in the drive-thru lane. He allegedly failed a field sobriety test — and ultimately was seen wrestling with the officers and running with one of their Tasers leading up to the shooting.

Brosnan’s attorneys said he suffered a concussion when Brooks knocked him to the ground during the scuffle.

Howard said investigators had reviewed at least eight videos of the incident, including police body and dashcam images as well as Wendy’s surveillance footage and cellphone recordings taken by witnesses at the scene.

“We’ve concluded, at the time Mr. Brooks was shot, that he did not pose an

immediate threat of death or serious physical injury to the officer or officers,” Howard said at the news conference Wednesday.

Brooks, 27, was seen running across the parking lot with a bright object in his hand, which the Georgia Bureau of Investigation said was the stolen Taser, as an officer chased him, also carrying what appeared to be a Taser.

[See video at source]

Brooks turned back, extending the object and then the officer in pursuit opened fire with a handgun.

In a statement, lawyers for Rolfe said their client used permissible force under the circumstances.

“Officer Rolfe heard a sound like a gunshot and saw a flash in front of him,” they said. “Fearing for his safety, and the safety of the civilians around him, Officer Rolfe dropped his Taser and fired his service weapon.”

The charges against Rolfe included felony murder and aggravated assault, some in connection with a stray bullet that struck a bystander’s occupied vehicle.

Attorneys for both officers described how they rendered aid, called an ambulance and performed CPR on Brooks.

But Howard, the district attorney, said in the news conference that Brooks did not receive medical attention for over two minutes and that the officers first allegedly kicked and stepped on him.

“Officer Rolfe actually kicked Mr. Brooks while he laid on the ground,” Howard said.

The Atlanta Police Department fired Rolfe and reassigned Brosnan following the incident. The city’s police chief also offered her resignation.

Chris Stewart, a lawyer for Brooks’ widow who spoke at Howard’s press conference, said the family and legal team were unaware of the allegation that Rolfe had kicked Brooks while he was down.

“Even in dark times like this, you have to try and see the light,” he said. “And, the positivity of this situation is the courageousness of Officer Brosnan to step

forward and say what happened was wrong. It is officers like that who change policing.”

Brosnan’s attorneys later said he had spoken with the district attorney’s office and answered all of the investigators’ questions — but they also called the charges against their client an “abuse” of power and reiterated that he had not agreed to testify or plead guilty.

During a question-and-answer period of the news conference, Howard dismissed a question about being in the middle of a runoff election.

“Let’s deal with Mr. Brooks today,” he said. “We can deal with the election tomorrow.”

He went on to propose the idea of giving prosecutors the ability to indict police officers without first going to a grand jury in similar cases as a means of police reform. He also called for eliminating both sovereign and qualified immunity in police cases.

Source:

<https://www.foxnews.com/us/rayshard-brooks-atlanta-officer-garrett-rolfe-murder-charges-death-penalty-eligible>

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