

Following is my personal synthesis of testimony given to a grand jury on which I served:

At some time prior to December 7, Jerry Jackson had taken his Ninja motorcycle to the Moto Cycles shop on Marietta Street to be repaired. On the morning of the 7th, three of the mechanics at the shop determined that the bike had been red-lined and the engine would need to be rebuilt at a cost of \$2600. One of the mechanics called Jerry to give him the news and Jerry said he'd come down to talk about payment arrangements. Jerry and three of his friends got in his car—a navy blue Pontiac 6000—to go down to the shop.

As they were traveling South (East) on Marietta Street, they were noticed by three police officers in an unmarked Pontiac 6000 police car who thought the four guys may have been other undercover cops that they knew. The three police officers were Officers Fields (driver), Pinckney (back seat) and Sauls (front seat passenger) who were assigned to a Zone 3 Field Investigation Team, or FIT team. The purpose of this undercover unit, according to one of the testifying officers, is to investigate suspicious activity and stop it before it becomes a criminal activity.

In an effort to determine if they knew the four guys in the other Pontiac 6000, the police officers pulled up beside Jerry's vehicle and took a look. Jerry interpreted this behavior as signs that the men in the other car wanted to race. As the four in Jerry's car looked back and forth at the "guys who wanted to race," the three officers interpreted their behavior as suspicious.

Before Officer Pinckney could get their tag number to check it on TAC radio and determine if the car may have been stolen, Jerry made an abrupt left turn into the parking lot of the Moto Cycles shop.

The officers noticed the quick turn-off and decided to turn around and get the tag number to verify if it was a stolen vehicle. Jerry's car was found parked at an angle next to the dumpster, and Officer Fields pulled the unmarked police car into the parking lot behind it. In this short amount of time, the four passengers in the car had gotten out of the vehicle and were nowhere in sight.

After sitting on the grand jury for a month and a half, hearing about 100 cases a day, two days a week, I have heard numerous testimonies from police officers about stolen vehicles. The question often comes up, "And how should the officer have known it was stolen?" And often the only way they know is "flight," which means the persons in the car bail out or run when they see the officer. This is common, even when the keys are found in the ignition.

As Officer Pinckney sat in the back seat checking the tag on TAC radio, Officer Sauls went to check to see if the steering column was broken (a sure sign that the car is stolen).

A great deal of time was spent in the presentment of witnesses to the grand jury on this case trying to determine if Officer Sauls or Pinckney's badges were showing during the ensuing events. As undercover cops, they wear their badges on a chain around their neck, moving them to the outside of their "street clothes" when they are identifying themselves to someone. (If they always wore them on the outside, what would be the point of being undercover?) In fact, no testimony or evidence was presented which conclusively showed that Officers Sauls' or Pinckney's badges could be seen in the center of their chest area at

any point during this entire series of events.

But as Officer Sauls testified the day after he was shot, he got out of the car to check the steering column and there was absolutely no one in sight (the time of day was between 11:00 and 11:30 a.m.). So why should Officer Sauls have pulled his badge out to the outside of his clothes to identify himself to an empty car?

Although he found the steering column had not been broken, he noticed several jackets lying on the back seat of the car. Several people testified that it was a cold, drizzly day that day. Further, as a grand juror, I have heard cases where a perpetrator commits a crime while wearing a coat, and then changes his appearance by shedding the coat to elude someone who may be chasing him.

Another point to mention is that we heard from various testifying officers that there are varying levels of suspicion. I believe they said that it starts with a hunch, then moves to an articulable suspicion and then on to probable cause. As one officer explained, things just keep adding up and they keep adding to one's level of suspicion.

The next thing Officers Sauls stated that he did—given in his testimony the day after he was shot—was to look in the dumpster to see if anyone had bailed out of the car and jumped inside.

Right about this time, a loud car accident took place at the nearby intersection. The four guys who had been in Jackson's car had, in fact, all gone into the Moto Cycles shop and when they heard the crash, they ran along with one of the mechanics out to see the accident. They got about ten feet down the sidewalk when they cleared the edge of the building and literally ran into Officer Sauls who had heard them coming towards him.

Needless to say, everyone at that point was startled. Officer Sauls testified that he recognized the guys as being the ones from the car, and he said, "Police. Let me see your hands." He stated that when they didn't show their hands, he unholstered his gun. According to his testimony, one of the four guys immediately started running back into the shop and towards the back door. Officer Sauls shouted to Officer Fields who was still in the driver's seat, "Fields, one is going out the back." Officer Fields took off on foot around to the back of the building, returning after he got halfway there and heard the first shot.

According to the youth who fled, he never heard the word "Police," he just saw the gun and thought they were being robbed so he ran. Perhaps Officer Sauls did have his gun in his hand, which he may have taken out before he poked his nose over the edge of the dumpster.

But after my time on grand jury, hearing many cases involving guns in Zone 3, I would also guess that this guy had seen guns before. And I doubt he runs every time he sees one. So maybe he did, in fact, hear the word "Police."

A second guy from Jerry's car testified that he saw the officer's car parked there with "two cops already out of the car, and one in our face." And he recognized the officers as the ones who wanted to race.

One of the mechanics who ran outside testified that he also made it to about the area of the telephone pole, which is about 12 feet from the door when he saw the undercover cops and their parked car. He stated that "two guys came out of nowhere" who didn't look like police officers (perhaps he was referring to just one officer, Officer Sauls) and Officer Sauls

(later identified) pointed a gun at his head shouting "Get the fuck on the ground." He went on to testify that when the shooting started, he was on the floor inside the shop door. Someone else inside the shop testified that this mechanic shouted, "We're being robbed."

What doesn't make sense is that if this mechanic thought he was being robbed by a fairly large black man (Officer Sauls testified that he was 40 pounds heavier at that time) who was pointing a gun at his head—in fact, just inches from his head, according to his testimony—wouldn't it have made more sense for him to drop to the ground outside, instead of walking 12 feet back to the door of the shop and go inside? But maybe he knew he wasn't really in danger of being shot. Because maybe he heard Officer Sauls say the word "Police."

According to Officers Sauls' testimony, he did, in fact, start yelling for everyone to get down on the ground. Why would he do that? At that point in time, he was facing four guys who had acted suspiciously in their car, then suddenly turned into the parking lot next the Moto Cycles shop, parked haphazardly next to the dumpster, immediately left their vehicle, leaving their coats behind on a rainy day. One guy just ran out the back door when he identified himself as "Police" and someone else had yet to take his hands out of his pockets. Officer Sauls further told us that at that moment, he thought he was the only officer out of the car, and his intent was to "secure the situation." Because as one officer testified, you can apologize for people getting their clothes dirty, but what can you say after someone gets shot?

So for the officer's own safety and for the safety of the people he had confronted, he began yelling repeatedly for everyone to get down on the ground. But for some reason, not one of the five guys on the sidewalk dropped down on the sidewalk. They all walked 10-12 feet down the sidewalk and back into the shop before getting onto the ground.

There is one person's story which really doesn't fit so far. He stated that he saw the unmarked police car "whip into the parking lot," then they jumped out of the car with their pistols already out and said to get down. Although this testimony doesn't really make sense, what may make sense is that this individual doesn't quite remember how things went at the time he heard the word "Police."

The next thing that happened, Officer Sauls was standing outside the Moto Cycles Shop, preparing to reholster his gun so he could pat everyone down and make sure no one had any weapons that could harm him. As he was standing in the doorway, a man's right hand holding a gun appeared from behind the left door (there are double doors which open into the shop) and Officer Sauls got shot in the stomach. According to Sauls, he remembers thinking that he could reach out and just grab the gun, but while he might survive the stomach shot, the next shot would probably be in his head, and he probably wouldn't survive that.

By this time, Officer Pinckney had come out of the police vehicle and was standing in the area of the telephone pole, about 15 feet from the doorway. He saw the muzzle of the gun and when it went off he saw his partner grab his mid-section. Then the gun shot again.

Pinckney could see that Sauls was in the middle of the street and had no cover. So he stepped to the left of the telephone pole and attempted to draw the unseen gunman's fire by firing two rapid shots into the doorway. With his gun in one hand and the radio in the other

(from checking the tag on the stolen car just second earlier), Pinckney was crouching and moving around rapidly to avoid getting shot himself. His two bullets—the only two he fired—were low and off-target, and hit side-by-side on the pavement about eight inches apart. At that exact moment, Jerry Jackson, who was crouched just inside the right-hand door, dove through the doorway and onto the ground outside. The two bullets ricocheted off the pavement and hit Jerry in the neck and arm, entering at a top-down angle and moving slightly front to back.

During the grand jury hearing, Mr. Kelly Fite from the GBI crime lab (whom we were told has given over 2500 ballistics testimonials in court and been involved in over 300 crime scenes) confirmed that both shots that hit Jerry Jackson were from ricocheted bullets. The jackets from the bullets had separated from the core and were mutilated and showing “rash” from hitting the pavement. The inch-and-a-half long bullet marks were about thirty-three inches from where blood was found on the cement, at a point “uphill” from any other blood.

A simulation, shooting the same type gun from four feet off the ground and at a distance of thirteen feet (Pinckney’s distance from Jackson, confirmed by the location of the shell cartridges and the blood found on the sidewalk from Jerry’s wounds) showed that the jackets would separate from the core and enter a piece of paper about four inches from the ground, about thirty inches from the ricochet marks (which is the distance between the ricochet marks and Jerry Jackson), with about three inches between the two components. The coroner testified that his autopsy report showed that Jerry’s wounds consisted of two cores, each with a jacket from Pinckney’s gun about three inches from it, which if he were laying on his stomach would be about four inches from the ground, moving slightly from the front to the back.

One of the bullet cores struck a main artery, which caused internal bleeding. He expired after moving around on the ground for about one minute and was found with his head resting next to the doorstep.

After Officer Sauls was hit by the gunman's bullet the second time, he began firing into the doorway. As he shot, he moved in a zigzag pattern to minimize the chance of being shot yet again. He went North on Marietta Street, emptying all nine bullets in his gun and finally seeking and finding help at a place of business on the other side of the street, several doors down. It is assumed that one of Officer Sauls’ shots hit Quinton Wimbish in the back of the thigh when Quinton got up off the floor to run to the back of the shop. That bullet has not been removed from Quinton to confirm this.

Immediately after Pinckney fired two shots towards the doorway, the gunman, Thomas Stearns, retreated back into the shop and fired a third shot several feet back from the doorway. This was determined by the location of the cartridges that were found inside the shop and confirmed to be from his gun.

After seeking cover behind the edge of the building, Pinckney ran around behind the buildings and found Sauls laying down the street at the point where he found people who gave him aid.

During Quinton's testimony, he stated that he was the second person from the doorway

laying down in the shop. That might put his thigh about eight feet inside the doorway. And it is clear that if Officer Sauls was shot by a gun reaching around the inward-opening door, he must have been just outside the doorway. Yet Quinton also testified that he was laying on the ground when he got shot. But how could a man shoot a bullet directly into the back of his thigh as he is laying on the ground, if he is standing ten feet away? Or was Quinton feeling it was necessary to establish the threat of imminent danger as the “robber” pointed a gun on him as he lay on the floor.

In fact, if Officer Sauls was outside the door and everyone else was inside the shop on the floor—including the shop owner and the third mechanic who were behind the desk twenty-five feet back from the door when all this happened—and if his gun was pointing toward the ground as he and a witness from across the street testified, who was in imminent danger of being shot? And if no one was really in danger, might someone alter their story slightly to create the perception that someone was?

Also, someone from inside the shop testified that he saw Stearns reach around the door (on the right as you look out from inside the shop) with his right arm, and he “didn't know how he could have made that shot.” It was essentially a blind shot. In fact, when Sergeant Juliano arrived on the scene shortly after the shooting and secured Stearns, he stated that Stearns handed him his gun, pointed to Jerry Jackson and said, “I’m the one who shot this man. When you roll him over you will find a gun.”

Self-defense requires that a person feel that he or a third party is in immediate danger of being harmed. Stearns testified that he was behind four or five people in the rush to see the car accident. If Sauls’ weapon was pointing down but in front of him, could Stearns have even seen it? Does it matter? Since we know that Stearns couldn't identify Jerry Jackson as being someone other than the man he was shooting at. So Stearns must not have seen what or who he was shooting at. Is self-defense a defense if the threat is perceived through hearsay? And who would have said they were being robbed, anyway—one of the five who wasn't so threatened that he could walk ten feet back into the shop before cooperating with the robber?

In the end, apparently the DA’s office won't try to indict Thomas Stearns because they can't prove that he didn't act in self-defense. After all, no one saw his badge on the outside of Officer Sauls’ clothes. But would it have mattered if it were there, since obviously Stearns didn't see what he was shooting at?

Yet the DA's office, in fact, could not prove that Officers Pinckney and Sauls were guilty of murder, felony murder and eight counts of aggravated assault, but nonetheless, these two officers were subjected to going through the process. It is my opinion that the DA’s office did the public a favor when it allowed the process to prove their innocence rather than leave people believing there was a cover-up. Why not afford Thomas Stearns the same courtesy?

So what did they see from across the street? One witness thought she saw Officer Pinckney shooting Jerry Jackson as he pleaded for his life. In reality, Jerry Jackson had tragically already been shot, and she was hearing Officer Sauls’ gun discharging as he moved up the street seeking cover. Further, from the oblique angle at which most eyewitnesses viewed the shooting, they perceived Officer Pinckney to be much closer to

Jerry Jackson than the evidence proves that he was. What's more, from their vantage point, one witness mistakenly thought she was seeing "the man in blue" shooting at "the man in green" and vice versa. That would make two undercover police officers shooting at each other, which is clearly ridiculous.

After the 911 calls and police radio call for help went out, several police cars arrived on the scene and began securing everyone in the shop by placing them in the back of squad cars. They stated that their intent was to separate witnesses as soon as possible and to transport them to the homicide station to get their statements. An officer from the Red Dog unit was one of the first to arrive and he determined that Jerry Jackson was already dead. People from down the street began waving to get someone's attention and told the officer that there was a wounded police officer down there. At the time of the earlier car accident, an ambulance which happened to be sitting at the intersection came immediately to the scene (the passengers in those cars were apparently not badly hurt). Since Jackson was already dead, the EMS driver was directed to the area where Officer Sauls lay.

Having finished securing and analyzing the crime scene, the lead detective then went to the crowd of people that had formed to try to find witnesses. He also went around to the area buildings, including the one across the street, but since it requires a security pass for access, he did not get inside to seek out witnesses. He also testified that it is not uncommon for witnesses to wait several days before coming forward.

Officer Fields was assisting in handling the crowd that had formed when he saw—in the crowd—a man whom he believed to have been the driver of the Pontiac 6000. He secured that man and came to find out that it was George Jackson, the twin brother of the man who was shot and killed. George had been notified of the shooting by telephone from one of the mechanics in the shop.

Several days later, Detective Walden heard that there were witnesses to the shooting from across the street. He went to meet with the people but was told they had already contacted their attorneys and had been instructed not to answer any questions without their attorney present. Since there are a couple of police officers from Zone 3 currently sitting in jail today, it makes sense that these witnesses would take appropriate steps to assure that their testimonies would be fairly heard.

After the EMS driver finished transporting Officer Sauls to Grady, he went to the homicide station to give his statement, since he too had witnessed the shooting (also from an oblique, almost end-on-end perspective). Before he gave his statement that day, however, he was asked to talk with Officer Pinckney, who was still distraught over what had happened, and to tell him that Officer Sauls would be O.K.

Conversely, the officer who transported Thomas Stearns to the homicide station testified that Stearns had discussed Winchester bullets (the type both he and the officers use) during the car ride. His attorney met him at the station.

Of course, I don't know if my version of what happened is correct, but it is surely closer to the truth than any story that has been printed or broadcast regarding the events that happened at the Moto Cycles shop. It is my understanding that an innocent man, Jerry Jackson, was shot and killed accidentally as he got caught in crossfire. As a parent and a

sibling, I have been deeply saddened to know that Brenda Jackson lost a son and George Jackson lost a brother, and they have not been told how he died.