

Family Alleges Fix in Grand Jury Probe

Police witness paid to testify

(AP)—Portland city officials took the unusual step of paying a national expert on deadly force to testify before a grand jury that ultimately cleared a police officer in the fatal 2004 shooting of an unarmed black motorist in the St. Johns neighborhood of north Portland.

Outside experts often testify at trials. Grand jury proceedings, however, are secret hearings where the prosecution presents the case alone. No attorney would be able to question the credibility of the prosecution's expert before the grand jury decides whether criminal charges are appropriate.

City attorneys said the expert was hired to educate jurors in a complex case. They couldn't recall another time when an outside expert was hired to provide testimony in a grand jury review of a police shooting.

Elden Rosenthal, the attorney representing the family of James Jahar Perez, contends the expert was summoned to influence jurors not to indict, according to papers filed in the family's wrongful death lawsuit against the Portland police



James Jahar Perez



Jason Sery

department.

Perez, 28, was shot and killed in the driver's seat of his car on March 28, 2004, after he was stopped by Officer Jason Sery and his partner, Sean Macomber. The officers said they followed Perez's 1997 Mitsubishi with tinted windows because it "stood out," and pulled Perez over after he signaled for a turn only 20 to 30 feet before making it—not the required distance of at least 100 feet.

Perez reportedly struggled with Macomber before the fatal shots were fired by Sery, who said he thought the driver was armed. An autopsy found that Perez had co-

caine in his body.

The shooting prompted anger across the city and led to calls for a public inquest, which followed the grand jury proceeding.

The city paid more than \$6,000 to hire the expert to testify before the grand jury and the inquest, Rosenthal learned. He said in court papers that city officials spent "substantial taxpayer dollars" to ensure the grand jury cleared Sery.

Multnomah County District Attorney Michael Schrunk told The Oregonian that he accepted the city's offer to pay for the expert—William Lewinski, a law enforcement professor at a Minnesota university —

because he thought the testimony would be relevant. He said Lewinski wasn't a "hired gun" advocating for or against the police.

Schrunk said his office didn't have the money to bring in Lewinski, and he doubts jurors were told of the city's payment.

At the public inquest in 2004, Lewinski said officers are trained in the action-reaction principle and explained it. He said it would take someone a tenth of a second to pull a gun from a car's console. An officer, even with his gun drawn, would not have time to react before he was shot, he said.

"In simple terms, if I see the gun I'm dead?" Shrunk asked Lewinski back then.

"In simple terms, that's it," Lewinski said.

Rosenthal said that kind of testimony is why the city wanted the professor.

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New Orleans Recovery Uneven by Race

Study looks at hardest hit areas and who lived there



One of the hardest hit areas of New Orleans was the Lower Ninth Ward, a predominantly African-American area. One local family—Alysia Charlot (left), her brother Alon, (center) and mother Alison—look at damage to the neighborhood from their front porch last December.

(AP)—The city of New Orleans could lose up to 80 percent of its black population if people displaced by Hurricane Katrina are not able to return to damaged neighborhoods, according to an analysis by a Brown University sociologist.

Professor John R. Logan determined that if the city's returning population was limited to neighborhoods undamaged by Katrina, half of the white population would not return and 80 percent of the black population would not return. "There's very good reason for people to be concerned that the future New Orleans will not be a place for the people who used to live there, that there won't be room in New Orleans for large segments of the population that used to call it home," said Logan, who studies urban areas.

The study used maps from the Federal Emergency Management

Agency that detailed flood and wind damage and compared them to data from the 2000 U.S. Census to determine who and what areas were affected.

It found the storm-damaged areas had been 75 percent black, compared to 46 percent black in undamaged areas of the city. It also found that 29 percent of the households in damaged areas lived below the poverty line, compared with 24 percent of households in undamaged areas.

More than half of those who lived in the city's damaged neighborhoods were renters, the analysis found.

"The odds of living in a damaged area were clearly much greater for blacks, renters and poor people," the study said. "In these respects the most vulnerable residents turned out also to be at greatest risk."

Elliott Stonecipher, a demogra-

pher and political analyst based in Shreveport, La., said the analysis gets to the heart of the debate over how to rebuild New Orleans. Racial tensions have been high with some worried that those in charge of the rebuilding will push black residents out of the city.

"For this storm to suddenly rip that away from them, that feeling is at the heart of this growing racial impasse," Stonecipher said.

The study was funded by a grant from the National Science Foundation and is ongoing, Logan said.

Nine Accused of Katrina Help Fraud

Nine Portland residents have been charged with fraud in connection with the receipt of federal monies in Hurricane Katrina relief assistance.

Investigators said seven of the defendants are charged with making false statements in order to qualify for \$2,000 in disaster relief along with \$2,358 for rental assistance payments from the Federal Emergency Management Agency. The charges carry a maximum penalty of 10 years in prison and a \$100,000 fine.

The other two persons were hit with five counts of mail fraud, accused of using their own names

and other names to falsely claim money for temporary housing. Mail fraud carries a maximum penalty of 20 years in prison and a \$1 million fine.

Investigators said none of the nine defendants had been displaced from the storm and did not qualify for relief.

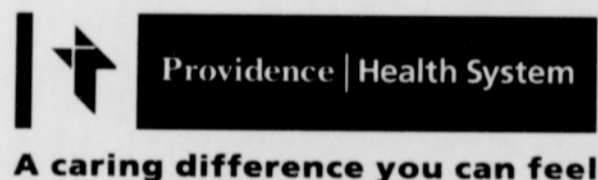
The seven people charged with making false statements were identified as Olelia L. Brown, 21; Chantel Curry, 38; Dominique Andrew, 19; Virger Garland, 46; Jennifer Jones, 36; Trina Wilson, 37; and Steven Brown, 50.

The two people charged with mail fraud are James A. Irby, 46 and Miranda J. Nelson, 20.

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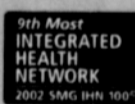
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