

ANTHONY HILL MURDER CASE

# DEKALB COP INDICTED

Rare charge in Ga. police-involved shooting 'a moment in history.'

By Christian Boone  
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For the first time in more than five years, a Georgia law enforcement officer will be prosecuted in the fatal shooting of a civilian.

After an eight-hour presentation by prosecutors, a grand jury on Thursday indicted DeKalb County police Officer Robert Olsen on charges including felony murder, District Attorney Robert James announced. Olsen shot and killed Anthony Hill, naked and unarmed at the time, outside a Chamblee apartment complex in March 2015.

"This is a moment in history," said attorney Christopher Chestnut, who represented Hill's family. "Hopefully it will set a precedent discouraging paramilitary policing."

Cheers and chanting erupted among protesters who had gathered outside the courthouse since Monday awaiting the grand jury's decision.

Olsen was formally charged with two counts of felony murder, one count of aggravated assault, two counts of violating his oath of office and one count of making a false statement, James said Thursday night. James said a warrant for Olsen's arrest had been issued.

In a statement, Olsen's attorney Don Samuel said the prosecution failed to call witnesses who had told the police Hill was "attacking and



Anthony Hill's family, including his mother, Carolyn Baylor-Giummo (center), and his girlfriend, Bridget Anderson (left), talk to the media and supporters outside the DeKalb courthouse Thursday. BEN GRAY / AJC



Officer Robert Olsen (top left) shot and killed Anthony Hill (bottom left), a naked and unarmed veteran. Olsen was charged with felony murder, aggravated assault, violating his oath of office and making a false statement.



District Attorney Robert James reads the charges after a grand jury indicted Officer Robert Olsen in Anthony Hill's fatal shooting.

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AJC EXCLUSIVE

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Hill case

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charging" at the officer.

"The defense, of course, was not permitted to present any of the witnesses who were present at the scene, or any expert witnesses who would testify that Officer Olsen's reaction to the threat of violent injury was reasonable," Samuel said. "The defense could not cross-examine any of the prosecution witnesses at the grand jury."

Samuel is a prominent Georgia defense attorney whose clients have included football stars Ray Lewis and Ben Roethlisberger and rapper T.I.

Olsen testified for 20 minutes Thursday, taking advantage of a special privilege, allowed only in Georgia, that lets officers present their case without cross-examination.



In 2015, the AJC and Channel 2 Action News analyzed six years of fatal police shootings in Georgia and found that no officer had ever faced criminal charges in 184 fatal shootings. One in six of those fatally shot, including Anthony Hill, was unarmed, the investigation found. Log on to myAJC.com to read the special investigation at investigations.myajc.com/overtheline/.

"He was not allowed to answer any questions from the jurors (or me, or

the prosecutor) and was not allowed to introduce any evidence, even a diagram, or picture," Samuel said. "Grand juries, in short, are not really fair fights. They are completely one-sided."

Prosecutors have argued the opposite is true, at least in cases involving police.

Since 2010, Georgia law enforcement officers have been involved in 187 fatal shootings, according to a broad examination of police shootings in the state by The Atlanta Journal-Constitution. Olsen is just the second officer to be indicted; charges were dropped in the other case.

It's unclear what Olsen told jurors this time around. Last fall, he told a civil grand jury that he believed Hill was high on PCP or bath salts and posed a threat to his safety.

The felony murder

charges against Olsen stem from two separate felonies: aggravated assault and violating his oath as a certified Georgia peace officer. He is accused of violating DeKalb police's use of force policy and falsely claiming, to another officer, that Hill physically assaulted him prior to the shooting.

"My job is to uphold the laws of Georgia and prosecute anyone who violates them. This case is no exception," James said. "The facts and circumstances surrounding the shooting death of Anthony Hill warranted felony murder charges."

Hill's family was greeted as conquering heroes by the IOD or so protesters — chanting "all six counts!" — who waited outside in the chilly rain.

"I'm on top of the world," Hill's girlfriend, Bridget Anderson, told the AJC. She said she was

confident an indictment was forthcoming because "it was such a blatant use of excessive force."

Her late boyfriend's character also played a role, she said.

"Everyone could see what a good person he was," Anderson said. Hill, 27, was an Air Force veteran of the war in Afghanistan who was diagnosed while in the service with bipolar disorder, his family has said.

"If they saw it with their heart, I knew they'd come to the right conclusion," Hill's mother, Carolyn Baylor-Glummo, said in an exclusive interview with the AJC.

"Hopefully (the indictment) will at least send a message that if you do wrong you're going to be held accountable for it."

Her son's shooting raised questions from the beginning. Olsen was dispatched to the Chamblee Heights Apartments af-

ter a neighbor called 911 to express concern after Hill had stripped naked, a reaction to medication he was taking, Anderson said.

When he noticed the officer, Hill began running toward him, slowing to a trot, witnesses say, when the officer ordered him to stop. After a second command to stop, Olsen shot Hill, who died at the scene.

Samuel said he believes his client will be exonerated.

"Officer Olsen is a distinguished member of the police department who has never been accused of using excessive force and has never previously discharged his firearm in the line of duty," he said.

## POLICE SHOOTINGS

# Rare in Ga.: Cop facing murder trial

Indictment in DeKalb police shooting case highly unusual, but DA has a long slog ahead.

By Christian Boone

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Two weeks earlier, community activists in DeKalb County suspected that their district attorney was more interested in protecting bad cops than in prosecuting them.

On Thursday night, as DA Robert James announced the indictment of a DeKalb police officer in the shooting death of a civilian, dozens of those same activists were cheering the mere mention of James' name.

Not a bad start for an election year.

But whatever motivated James – the approaching primary this spring, community pressure, the pursuit of justice or all three – he achieved something last week that is more rare than an earthquake in Georgia. The murder charges against Robert Olsen, a white officer who shot and killed a naked and unarmed black man

**Police** continued on **A4**

### IN-DEPTH COVERAGE

- » Profiles take a closer look at the shooting victim and the officer, **A5**
- » Columnist Gracie Bonds Staples on treating, not policing, mentally ill, **B1**

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4A CHREBLE, COMPELLING, COMPLETE THE ATLANTA JOURNAL-CONSTITUTION SUNDAY, JAN. 24, 2016

### FROM PAGE ONE

#### Police

outside an apartment building in Chamblee last year, represent the first time since 2010 that a law enforcement officer in Georgia has been prosecuted in the shooting death of a civilian. On one other case, a grand jury indicted a Griffin police officer for shooting a man in the back of the head, the district attorney persuaded a judge to dismiss the charges a day later.)

The Hill shooting was among 184 fatal police shootings in Georgia since 2010 documented in an Atlanta Journal-Constitution Channel 2 Action News investigation published in December. It was the most comprehensive review of police shootings in Georgia history and made public for the first time an authoritative accounting of who is killed and the circumstances surrounding each case.

In many of the shootings, officers found themselves in dangerous situations facing dangerous people, but the AJC uncovered trends that cast doubt about whether every shooting was justified.

In nearly half the cases, the person shot by police was either unarmed or shot in the back. As in Hill's case, in more than a third of the fatal shootings, the deceased was shot at or near his or her own home or that of a loved one, often after a call for help.

The number of whites and African Americans killed was roughly the same, but when population figures were factored in, blacks were twice as likely to be fatally shot by police. In DeKalb, a majority-black county, the fact that the officer is white and the dead man was black sparked demonstrations in the community.

Ultimately, the Olen case likely will hinge on two things: whether deadly force was necessary to protect the officer, and whether Olen has told the truth about what happened that day.

#### 'Controlled by the district attorney'

Olen, 53, is charged in a six-count indictment with felony murder in the death of Anthony Hill, 27. Hill was a military veteran of Afghanistan who was discharged from the Air Force in 2003 when he was diagnosed with bipolar disorder. His family has said that problems with Hill's medication may have led to his disoriented state on the night of March 5, 2015, when he was shot and killed by Olen outside the Chamblee Heights apartments.

Olen, who was dispatched after 911 calls about Hill, has said that Hill was coming toward him and that he feared the officer's commands to stop. With Hill just a few feet away, Olen says he opened fire because he feared for his own safety.

The attorney for Hill's family, Christopher Christini, has been critical of the district attorney's approach to the case. But now, he says, it's clear James is "all in."

Others agree. "The grand jury system is controlled by the district attorney," said Tom Morgan, a former DeKalb DA now working as a criminal defense lawyer. "The fact the case was indicted means the district attorney wanted the case indicted."

James himself said simply, "I'm no longer neutral. I've become an advocate."

Police officers have a wide latitude under the law to use deadly force, and those cases can be difficult to prosecute. In addition, prosecutors work in partnership with police officers every day to put criminals away, and a vigorous prosecution of an officer can put that partnership at risk. Even in cases in which prosecutors have sought an indictment, a state law gives police officers an edge when a grand jury convenes to hear evidence against them.

Along among the states, Georgia permits officers to arrest the entire grand jury proceeding and to make a statement at the end of the hearing. The statement may not be challenged by anyone, and it is the last testimony grand jurors hear before they vote on whether to indict.

#### 'It's a really powerful weapon'

Fulton County District Attorney Paul Howard reopened a 2011 police shooting case last year in the hope of obtaining an indictment when he had been unable to do so before. Howard had received new evidence in the death of teenager Arvon



Last March, protesters, including Brandon Marshall, who is holding a photo of Anthony Hill, took to the streets of downtown Decatur to protest the fatal shooting of Hill by police Officer Robert Olen earlier that month. (AP/WIDE WORLD)



Officer Robert Olen, shown in a booking photo, gave a statement in his defense to the grand jury.



In 2015, the AJC and Channel 2 Action News analyzed years of fatal police shootings in Georgia and found that officers had never faced criminal charges in the fatal shootings. One out of those fatally shot, including Anthony Hill, was unarmed, the investigation found. Logos.com/overtheline.

Walters, who was shot in the back by Union City officer Luther Lewis.

But the grand jury denied Howard an indictment a second time.

Grand jury proceedings, in which a panel of citizens decides whether to bring criminal charges after hearing evidence from prosecutors, are closed to the public. Potential defendants are not permitted to attend or take part, unless they are police officers or certain public officials.

Howard said the evidence was reviewed by the evidence testimony of Lewis, who invoked his special privilege to listen to all the evidence against him and then offer that unchallenged testimony.

"You can imagine being able to give a statement without cross-examination," Howard said. "It's really a powerful weapon."

In the DeKalb case, Officer

Olen made a 20-minute statement in his defense to conclude the proceeding, his attorney said. But the officer wasn't able to overcome eight hours of testimony offered by the prosecution.

#### 'An absolute right to protect themselves'

The long odds that James backed in securing an indictment will become much longer as he seeks a guilty verdict.

"It's a tough burden," Morgan, the former DeKalb DA, said of the prosecution's case. "Should a reasonable person under the same circumstances that the officer was in believe they were about to receive serious bodily injury? The officer has an absolute right to protect themselves with the use of deadly force."

But Samuel, who joined Olen's defense team just last week, said the grand jury did not hear from one witness who told police Hill was "attacking and" charging the officer.

"I don't think there's any question he was in reasonable fear of his safety," Samuel said. "But yourself is not a naked gun, which is pretty scary in and of itself, charging at you. Witnesses have said he yelled, 'Stop, stop,' and that he backed up, but the gun keeps pointed at him. Just put yourself in his shoes."

Samuel said he understands Hill was unarmed and that Olen had other options to use

that did not require lethal force. But that is hindsight, not the heat of the moment when he had only seconds to react, Samuel said.

This will be a key point in the prosecution, whether the jury believes that Olen was legitimately in danger. The 911 call said Hill was not threatening them, and witnesses gathered by the Hill family's attorney have said that Hill's hands were out and up as he approached the officer.

Persuading jurors that Hill did not represent a threat to them will be crucial for a high burden for the prosecution, experts said.

"When push comes to shove, I think that James and even judges are very reluctant to second-guess police officers for split-second, life-or-death decisions in violent street encounters while they are working," said Philip Stinson, an associate professor of criminal justice at Bowling Green State University in Ohio and a nationally recognized expert on police shootings and misconduct.

"If there's any reasonable doubt, you're not going to get a conviction."

Stinson said it's "astounding" there was an indictment presented at all.

#### Officer Olen changed his story, indictment says

Olen's initial account of the shooting, as much as the shooting itself, contributed to the case against him, according to

statements made by the prosecutor, questions raised by an earlier grand jury and the indictment itself.

Olen's alleged lies have said Officer L. Anderson, who arrived within two minutes of the shooting, that Hill "physically assaulted him prior to the shooting by reaching out (Olen's) chest," the indictment states.

Olen's account had changed by the time he testified before a civil grand jury, empowered in October by James to recommend whether an indictment should be sought. Instead of claiming that he was attacked, Olen said he feared an attack, believing that Hill was under the influence of bath salts or PCP.

The grand jury took note of that apparent discrepancy, recommending further investigation by James. The October grand jury specifically called for a follow-up interview of Officer Anderson and "a second, more thorough interview of Officer Olen by a second grand jury," according to a synopsis provided by the district attorney's office.

James has already acted upon the alleged inconsistencies in Olen's account, and his veracity is sure to be a focus of the prosecution's case.

Ken Vance, executive director of the Georgia Peace Officers Standards and Training Council, said he doesn't know the specifics of the Olen case, but he said POST takes a dim view of false statements or anything suggesting that a police officer lied.

"It goes straight to credibility of Anthony Hill," Vance said. "You can be impounded on a stand. If you've done it before and got caught, you put yourself in a bad, bad situation in law enforcement. Your credibility is your honor."

Vance said Olen's indictment is another indicator of the intense scrutiny law enforcement is facing. He said criticism of law enforcement is at a level not seen in decades, dating back to the civil rights era.

"There's a change going on in all of law enforcement," he said. "We've got to do a lot more training, particularly in the areas dealing with the mentally ill and use of force."



This was the scene after the fatal shooting of Anthony Hill by police Officer Robert Olen at The Heights at Chamblee apartments on March 5, 2015. Olen says he was unarmed and that Olen had other options to use

that did not require lethal force. But that is hindsight, not the heat of the moment when he had only seconds to react, Samuel said. This will be a key point in the prosecution, whether the jury believes that Olen was legitimately in danger. The 911 call said Hill was not threatening them, and witnesses gathered by the Hill family's attorney have said that Hill's hands were out and up as he approached the officer. Persuading jurors that Hill did not represent a threat to them will be crucial for a high burden for the prosecution, experts said. "When push comes to shove, I think that James and even judges are very reluctant to second-guess police officers for split-second, life-or-death decisions in violent street encounters while they are working," said Philip Stinson, an associate professor of criminal justice at Bowling Green State University in Ohio and a nationally recognized expert on police shootings and misconduct. "If there's any reasonable doubt, you're not going to get a conviction." Stinson said it's "astounding" there was an indictment presented at all. Officer Olen changed his story, indictment says Olen's initial account of the shooting, as much as the shooting itself, contributed to the case against him, according to statements made by the prosecutor, questions raised by an earlier grand jury and the indictment itself. Olen's alleged lies have said Officer L. Anderson, who arrived within two minutes of the shooting, that Hill "physically assaulted him prior to the shooting by reaching out (Olen's) chest," the indictment states. Olen's account had changed by the time he testified before a civil grand jury, empowered in October by James to recommend whether an indictment should be sought. Instead of claiming that he was attacked, Olen said he feared an attack, believing that Hill was under the influence of bath salts or PCP. The grand jury took note of that apparent discrepancy, recommending further investigation by James. The October grand jury specifically called for a follow-up interview of Officer Anderson and "a second, more thorough interview of Officer Olen by a second grand jury," according to a synopsis provided by the district attorney's office. James has already acted upon the alleged inconsistencies in Olen's account, and his veracity is sure to be a focus of the prosecution's case. Ken Vance, executive director of the Georgia Peace Officers Standards and Training Council, said he doesn't know the specifics of the Olen case, but he said POST takes a dim view of false statements or anything suggesting that a police officer lied. "It goes straight to credibility of Anthony Hill," Vance said. "You can be impounded on a stand. If you've done it before and got caught, you put yourself in a bad, bad situation in law enforcement. Your credibility is your honor." Vance said Olen's indictment is another indicator of the intense scrutiny law enforcement is facing. He said criticism of law enforcement is at a level not seen in decades, dating back to the civil rights era. "There's a change going on in all of law enforcement," he said. "We've got to do a lot more training, particularly in the areas dealing with the mentally ill and use of force."

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SUNDAY, JAN. 24, 2016 THE ATLANTA JOURNAL-CONSTITUTION GEORGIA CONSTITUTION, COMPLETE A5

FROM PAGE ONE

DeKalb officer admired as 'a good man'

Complaints arose on his work, but he also helped many.

By Mark Davis mdavis@ga.com

It was a good job — important, too. As an employee of the U.S. Department of Agriculture, Robert O'Brien was an advocate for healthier food products.

"You know," said Tim Fletcher, "the type that kids would actually eat."

And it was while working in food preparation and delivery for insurance that O'Brien, the DeKalb police officer now indicted for shooting an unarmed man, called for force veterans, considered a career change.

"There can go bad very quickly," when an officer is called to handle someone acting erratically, said Wiggs, a retired DeKalb sergeant who spent 28 years on the force.

O'Brien's family, mean while, is holding close to the knowledge of the man known — fundraiser, animal rescuer, dad and husband.

Fletcher said O'Brien has raised funds for the Shepherd Center, the renowned Atlanta facility that specializes in spinal cord and brain injury rehabilitation. He and his wife, Katherine, are devoted animal lovers, providing a foster home for discarded dogs.

Fletcher checked, "Foster pets," he said, "have a way of becoming permanent ones."

His brother in law, he said, had a weaver dog, a certain breed of spotted dog. "There always seems to be a Dalmatian in the house," he said.

On top of that, "he's a devoted dad and has hands," Fletcher said. A trainer of a four-year-old son, Max, who exhibited a bit of autism, was a brotherly Saturday.

Those qualities are at odds with the guy Fletcher and his own depicted in news stories, whose unsettling image shot has commanded space on front pages and TV screens.

"He's a good man. He's kind," Fletcher said. "I can tell you that this is the man I know."

Vet offered face of optimism

Hill did not want bipolar diagnosis to define him.

By Rosalind Bentley rosabentley@ga.com and Christian Boone cboone@ga.com

Two years after his medical discharge from the U.S. Marine Corps, Hill did not want a bipolar diagnosis to define him.

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Anthony Hill, who battled mental illness after a tour of duty in Afghanistan, stands with his parents, Carolyn (left) and Anthony Hill Sr. (right).

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AJC DIGGING DEEPER OFFICER-INVOLVED SHOOTING

# Ex-cop's defense tries to bar vet's past

Former DeKalb officer's trial in veteran's 2015 death starts Sept. 23.

By **Bill Rankin**  
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Jurors in the upcoming murder trial of former DeKalb County police Officer Robert "Chip" Olsen should not be allowed to hear testimony about shooting victim Anthony Hill's background, such as his mental illness, attitude toward police and military service, a court motion filed Tuesday said.

"Whether Hill was a church-going choir member or a maniacal serial killer is not relevant," Olsen's lawyers said.

Olsen is scheduled to stand trial Sept. 23 with the start of jury selection. He faces two counts of felony murder and other charges involving the March 9, 2015, fatal shooting of Hill, who was naked, unarmed and 27 years old.

Decatur attorney Bob Rubin, who has followed the Olsen case, said the defense could prevail on motions to limit what the state can tell jurors about Hill's background.

"Whether he's a vet, whether

Olsen continued on B8



In a 2018 pretrial hearing, ex-DeKalb police Officer Robert Olsen argued he acted in self-defense. He testified he feared Anthony Hill was going to attack and seriously harm him. STEVE SCHAEFER / FOR THE AJC

## TIME LINE OF EVENTS

**March 9, 2015:** DeKalb County police Officer Robert "Chip" Olsen shoots and kills Anthony Hill, an unarmed, mentally ill Afghanistan war veteran.

**Jan. 21, 2016:** A DeKalb grand jury hands up a murder indictment against Olsen for the fatal shooting.

**Aug. 14, 2018:** A DeKalb judge refuses to dismiss the indictment on grounds Olsen was justified in shooting Hill in self defense.

**Sept. 23:** Jury selection in Olsen's murder trial is scheduled to begin.



Anthony Hill

B8 CREDIBLE. COMPELLING. COMPLETE.

THE ATLANTA JOURNAL-CONSTITUTION WEDNESDAY, SEPTEMBER 11, 2019

# METRO

## Olsen

continued from B1

he's mentally ill ... none of that is relevant unless Olsen knew about it," Rubin said.

Hill, diagnosed with bipolar disorder after he was deployed in Afghanistan, had stopped taking his medication because it made his tongue swell and sometimes locked his jaw. On the day of the shooting, the manager of the Heights at Chamblee Apartments called 911 after she saw Hill behaving strangely outside her office.

By the time Olsen arrived on the scene, Hill was nude. After Olsen stopped his squad car, Hill started moving toward the officer from across the parking lot. Some witnesses said he was running; others considered it more of a trot. Olsen got out of his car, pulled his handgun, pointed it at Hill and ordered him to stop, witnesses and Olsen said. Hill continued until Olsen, just a few feet away, fired two shots, hitting him in the chest and neck. Hill died at the scene.

In a pretrial hearing last year, Olsen argued that he acted in self-defense. He testified that he feared Hill was going to attack and seriously harm him.

In interviews, Hill's loved ones said Hill supported the



Former DeKalb County police Officer Robert Olsen (center) talks with his defense team during a break at his pretrial immunity hearing at DeKalb County Superior Court in Decatur in May 2018. STEVE SCHAEFER / FOR THE A.J.C.

police. In high school, he interned at his hometown police department in Moncks Corner, South Carolina. And amid the furor following the controversial police shooting of Michael Brown in Ferguson, Missouri, Hill took to social media to defend law enforcement.

Olsen's lawyers don't want jurors to hear that, arguing in their motion that prosecutors should be prohibited from introducing testimony about Hill's feelings about police.

If this evidence is allowed to be heard by the jury, it will be unduly prejudicial to Olsen, the defense motion

### SUBSCRIBE TO OUR PODCAST

The murder trial of former DeKalb police Officer Robert "Chip" Olsen will be the focus of the upcoming season of The Atlanta Journal-Constitution's podcast "Breakdown." The season will mark the seventh for the award-winning podcast, which has chronicled some of the biggest criminal cases in Georgia. Get a sneak peek of "Breakdown: Judgment Call" with the trailer, available now. Don't miss a single episode. Subscribe on Apple Podcasts, Google Play, Stitcher, Spotify or anywhere you listen to podcasts.

said. The jury, it added, should only be required to focus on Hill's actions in the time frame leading up to the shooting and Olsen's observations.

Hill's background has no relevance to Olsen's "state of mind, his perception of the danger that he faced or the reasonableness of his response to the apparent

attack he was confronting," the motion said.

The motion is now before Superior Court Judge LaTisha Dear Jackson, who will preside over the trial.

Don Samuel, Olsen's lead defense attorney, declined to comment Tuesday on his court filing. The DeKalb District Attorney's Office also declined to comment, spokeswoman Yvette Jones said.

Rubin, who is not involved in the case, said he doubts the state's case would suffer much if prohibited from delving into Hill's background. But Dear Jackson's rulings on additional challenges filed

Tuesday will be much more consequential, he said.

Olsen's lawyers are seeking to strike from evidence a facet of the case that goes to the heart of one of the two felony murder charges against the former police officer. The underlying felony in that murder count alleges that Olsen violated his oath of office by not following the county's use-of-force policy when he shot and killed the unarmed Hill.

Olsen's attorneys say evidence about the use-of-force policy and expert testimony about it should not be allowed because Olsen contends he acted in self-defense. It noted that DeKalb's own policy is for department use only and should not apply in a criminal proceeding.

Under DeKalb's policy, an officer has a duty to retreat, Rubin said. State law, when self-defense is raised, does not require that.

"If the jury hears that Olsen had a duty to back off and didn't, that could be huge," Rubin said.

It all leads to a larger question hovering over Olsen's trial and any others in which cops are accused of excessive force.

"Should an officer be held to a higher standard?" Rubin said. "Common sense says yes. Legally, it creates a quandary."

AJC CONTINUING COVERAGE MURDER TRIAL



Robert "Chip" Olsen (left) and Carolyn Baylor Glummo (upper right), the mother of Anthony Hill (lower right), react as the verdict in Olsen's murder case is read aloud by the jury foreman at the DeKalb County Courthouse in Decatur on Monday. The jury found Olsen not guilty of felony murder but reached guilty verdicts on four lesser felony charges. PHOTOS BY ALYSSA POINTER / ALYSSA.POINTER@A.C.COM

# Verdict in Olsen case satisfies neither side

Ex-DeKalb cop not guilty of murder in Anthony Hill's death but guilty of four lesser felony charges.

By **Christian Boone**  
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and **Bill Rankin**  
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It was a verdict that seemed to please no one – including some of the jurors who reached it.

Former DeKalb County police officer Robert "Chip" Olsen wept Monday upon hearing he had been found not guilty on two felony murder counts, each carrying a sentence of life in prison. But what started as tears of relief were canceled out by the inconsolable wailing of his wife, Kathy, as the

jury forewoman pronounced her husband guilty on the four lesser felony charges – two counts of violation of oath of office, and one count each of aggravated assault and making false statements.

"No! No! No!" Kathy Olsen cried, prompting a deputy to escort her out of the courtroom. She could still be heard sobbing outside.

For the family of Anthony Hill, the Afghanistan War veteran killed by Olsen on March 9, 2015, the verdict was disappointing but expected.

Olsen continued on A6

OUR REPORTING

'BREAKDOWN' SEASON 7 ARRIVES

The Robert Olsen murder trial is the subject of the new season of The Atlanta Journal-Constitution's award-winning podcast. "Breakdown Season 7: Judgment Call" will explore the case in unparalleled detail, beginning with the dramatic DeKalb County 911 call and continuing through to the verdict in the murder trial. Subscribe on Apple Podcasts, Google Play, Stitcher, Spotify or anywhere you listen to podcasts.



A6 CREDIBLE, COMPELLING, COMPLETE

THE ATLANTA JOURNAL-CONSTITUTION TUESDAY, OCTOBER 15, 2019

## FROM PAGE ONE

### Olsen

continued from A1

As the verdict was being read, two jurors cried. They had deliberated for 27 hours over six days and, according to one juror, the discussions were often contentious.

"There was only so much I could do. I was disturbed," said Juror 31, the only African-American man on the jury. "At some point in time, just hearing him say self-defense and hearing people in my (jury) saying self-defense was ... one of the hardest things that any man of color could endure."

Juror 31, a forklift operator from Lithonia, said he believed Olsen, 57, should have been convicted of murder but compromised when fellow jurors agreed to convict on the lesser charges.

"A naked man doesn't pose a threat to a trained cop," he told reporters. "When we call a cop, we expect a cop to de-escalate a situation, not turn to the most deadliest arsenal on his belt. And that's where he went wrong."

Those circumstances led many observers to predict an easy win for the prosecution. Olsen said he shot Hill, 26, out of fear for his safety, though none of the eyewitnesses who encountered Hill in the moments before the shooting said they found him threatening. The racial component only hardened opinions — Olsen is white; Hill is black.

According to Juror 31, race played a role in the seven-woman, five-man panel's decisions. The jurors included five whites and five blacks.

A majority of the African American jurors wanted Olsen convicted of murder, Juror 31 said. In the end, they compromised.

One black woman juror broke down, he said, when she realized there would be no conviction on the felony murder counts.

"I let her know that we can be part of something that could make a change, or we're not going to be part of something that makes a change," he said.

But just because Olsen spent Monday night in his home doesn't mean he'll avoid prison. In fact, he could serve up to 35 years if DeKalb Superior Court Judge LaTisha Dear Jackson gives him the maximum penalty on each of the four guilty counts. She released Olsen on \$80,000 bond, had him fitted with an ankle monitor and imposed a 7 p.m. curfew. Sentencing is scheduled for Nov. 1.

Juror 31 said he believes Olsen deserves significant prison time. The turning point for him: Officer Lyn Anderson's testimony that Olsen told him he shot Hill



Robert Olsen is escorted out of the courtroom after being found not guilty of felony murder on Monday. Olsen could serve up to 35 years if DeKalb Superior Court Judge LaTisha Dear Jackson gives him the maximum penalty on each of four other counts. She released Olsen on \$80,000 bond, had him fitted with an ankle monitor and imposed a 7 p.m. curfew. Sentencing is scheduled for Nov. 1.



Kathy Olsen, wife of Robert Olsen, is consoled as the verdict for her husband's trial is read on Monday. She cried "No! No! No!" prompting a deputy to escort her out of the courtroom. She could still be heard sobbing outside.



Anthony Hill Sr., the father of shooting victim Anthony Hill, listens as the verdict is read in front of DeKalb County Superior Court Judge LaTisha Dear Jackson on Monday.

PHOTOS BY ALYSSA POINTER / ATLANTA JOURNAL-CONSTITUTION

**According to Juror 31, race played a role in the seven-woman, five-man panel's decisions. The jurors included five whites and five blacks. A majority of the African American jurors wanted Olsen convicted of murder, Juror 31 said. In the end, they compromised.**

because Hill was pounding on him, when everyone at the scene said Hill never touched Olsen.

"Once you lie, it's hard to believe anything else," Juror 31 said. "That's what I was going off — the lies and the lies and the lies. It helped me make my decision a lot more quickly."

Olsen, he said, was miscast as a police officer.

"Because he doesn't know how to de-escalate a situation like that, cops like him don't need to be out on the street," the juror said. "Cops that are ready to go from zero to 10 very quickly? We don't

need cops like that. We need cops who will think from zero to one, two, three, four, five. Not zero to 10. He went from zero to 10, and he had plenty of time to de-escalate the situation. And that's the problem we have in America."

The question of police accountability loomed over the proceedings. Two days before the Olsen jury began deliberations, a Dallas, Texas, jury sentenced Amber Guyger to 10 years in prison for fatally shooting her black neighbor in his apartment.

Four days later, a jury in Camden County, Georgia, acquitted

a white cop of manslaughter in the 2018 shooting death of an unarmed black man. The victim was shot in the back eight times as he ran from the officer.

Attorney Chris Stewart, who has represented several families of people shot and killed by law enforcement, said the Olsen verdict shouldn't be viewed as another blow to police accountability.

Dear Jackson's sentence will ultimately determine that, he said.

"I don't really care about the charge, I care about the time," Stewart said. "Potentially (Olsen)

will serve more time than (Guyger), and she was found guilty of murder."

DeKalb District Attorney Sherry Boston, who inherited the Olsen case from her predecessor, Robert James, said she was grateful jurors "found accountability for the death of Anthony Hill in this case so that we can have justice."

Boston disputed critics who said the state overcharged Olsen.

"Certainly we charged felony murder because we believed in felony murder," she said. "My team worked very hard to prove to this jury that murder and felony murder were the right outcomes. But I respect the fact that this jury deliberated very thoughtfully and they came to the decision that they thought was best."

She acknowledged the difficulty in prosecuting police officers. When Olsen was indicted in January 2016 it had been at least five years since a Georgia police officer went on trial for fatally shooting a civilian.

"My team did a fabulous job in outlining what we thought was a case that made sense to hold an officer accountable," Boston said. "And we are grateful in finding this officer guilty of four counts. This jury did speak to that accountability and did find that he was responsible for the death of Anthony Hill."

Lead defense attorney Don Samuel said he was "incredibly relieved the jury acquitted Olsen on murder charges."

"The jury got it exactly right on murder," he said. "But we're obviously disappointed they convicted him on the other counts."

The 20-day trial concluded with Olsen being led from court to post bond. Lead prosecutor Pete Johnson had argued against what he called preferential treatment for the former cop.

"He is now a convicted felon," Johnson said. "You should put handcuffs on this convicted felon and take him into custody because that's where he belongs."

"You want me to put handcuffs on him?" Dear Jackson asked, prompting Johnson to say he was speaking metaphorically.

Samuel reminded the judge that Olsen has been out on bond for more than three years without issue.

Dear Jackson explained her decision Hill's family.

"I'm not saying that Anthony Hill's death was in vain," the judge said. If Olsen had been convicted of murder, she said, "we probably wouldn't be having this conversation."

She then told Olsen not to read anything into her decision to let him remain free until Nov. 1.

Don't think you won't be receiving any jail or prison time, the judge said.

**AJC SUNDAY SPOTLIGHT**  
**THIS WEEK'S TOPIC: MURDER TRIAL**



Robert "Chip" Olsen is led out Monday after his trial at DeKalb County Courthouse in Decatur. Jurors found him not guilty of felony murder but guilty of violating oath of office, aggravated assault and false statements. PHOTOS BY ALYSSA POINTER / ALYSSA POINTER@AJC.COM

# Inside Olsen jury's fraught deliberations

Verdict in DeKalb trial shows yet again the difficulty in prosecuting police officers for murder for killing a civilian in the line of duty.

By **Christian Boone** | cboone@ajc.com  
and **Bill Rankin** | brankin@ajc.com

Soon after retiring to deliberate, the jurors in the Robert "Chip" Olsen trial took a vote on the two felony murder counts against the former DeKalb County police officer.

It was 9 to 3 in favor of conviction. That would prove to be the closest the seven women and five men came to finding Olsen guilty on the most serious charges against him, the ones that carry a life sentence in prison.

The verdict in the trial — not guilty of felony murder but guilty of four lesser counts — demonstrated yet again the difficulty in prosecuting cops for murder for killing a civilian in the line of duty. In Georgia, there's been only one guilty verdict in at least 14 years, when data on the topic first started being collected. The officer convicted, former East Point police Sgt. Marcus Eberhart, used a Taser.

Many figured the Olsen case would change the narrative. Anthony Hill, a 26-year-old Afghanistan War veteran, was naked and off his meds when he was shot dead in broad daylight. Olsen, 57, pulled his gun because, he said, he feared for his safety.

Olsen continued on B5



Carolyn Baylor Glummo, mother of the slain Anthony Hill, reacts Monday to the verdict in ex-DeKalb County police Officer Robert Olsen's trial in Decatur.



Kathy Olsen, wife of Robert Olsen, is consoled as Monday's verdict is read in front of DeKalb County Superior Court Judge LaTisha Dear Jackson at the DeKalb County Courthouse.

SUNDAY, OCTOBER 20, 2019 THE ATLANTA JOURNAL-CONSTITUTION CREDITS: COMPILING, COMPLETE B5

**AJC SUNDAY SPOTLIGHT**  
**THIS WEEK'S TOPIC: MURDER TRIAL**

**'I realized both sides were unhappy with the verdict, and I view that as a sign we did pretty well, frankly.'**

Forewoman of the jury



Attorney Gerald Griggs speaks Monday in support of a long prison sentence for former DeKalb County police officer Robert "Chip" Olsen after he was found not guilty of murder in the slaying of Anthony Hill. The jurors reached guilty verdicts on four lesser charges. ALISSA PORTER/ALISSA PORTER@AUGA.COM

**'Every single person was completely engaged'**

Olsen

continued from B1

But no one else who encountered Hill said they felt threatened by him, even as he was in the throes of a mental health crisis.

And the trial took place in Decatur, one of Georgia's most progressive counties. If a police officer were ever going to be convicted of murder, it would be here, the thinking went.

Criminal defense attorney Keith Adams, who has been trying cases in Decatur for years, said he believed heading into the trial that Olsen would be found guilty on at least one of the felony murder counts.

"This is a big victory (for the defense)," Adams said. "Anytime you walk away from a potential life sentence, you've got to feel good."

**'Both sides were unhappy'**

So what happened? Why did nine of the jurors change their minds?

In interviews, two jurors described how they reached a hard-won compromise after 27 hours of deliberations stretching over six days. They asked that their names be withheld to avoid any retribution for the decision in the high-profile trial.

The jury was composed of five blacks and five whites along with one Asian and one Hispanic.

The forewoman, a retired Emory University professor who is white, spoke to The Atlanta Journal-Constitution in part to dispel any notion that the jury was split along racial lines. But the lone African American male on the panel — Juror 31 — had a different view.

He said "having people in my (jury) saying self-defense was ... one of the hardest things that any man of color could endure."

Still, the forewoman said she was pleased with the jury's decision.

"I realized both sides were unhappy with the verdict, and I view that as a sign we did pretty well, frankly," she said.

Olsen still faces the possibility of spending up to 30 years in prison. Convicted on two counts of violation of oath of office, aggravated assault and making false statements, he'll be sentenced on Nov. 1 by DeKalb Superior Court Judge LaTasha Dear Jackson. Her decision could go a long way in determining how this trial is remembered.

"There's some noise he was convicted of something," Adams said. "But this is just another reminder how police get the overwhelming benefit of the doubt."

From 2005 to 2008, according to a Washington Post database, police officers on duty killed nearly 4,000 people. Of those, only 50 officers were formally charged. That's about 1.2%, and fewer than half of those cases end with convictions.

**'These little lies'**

In the jury room, there was a quick consensus that Olsen was guilty of making a false statement to Lisa Anderson, the second officer to arrive at the



Anthony Hill is seen with his mother and sister in this family photo from Christmas 2014. It was the last time his family saw him. Hill, a 26-year-old Afghanistat War veteran, was rained and off his meds when that died in 2015. Then Officer Robert Olsen pulled his gun because, he said, he feared for his safety. COURTESY OF ANTHONY HILL'S MOTHER

scene, Anderson testified that when he asked Olsen what happened, Olsen said a rapidly advancing Hill "started pounding" on him before he fired the fatal shot.

The eyes-witnesses at the scene said Hill never even touched Olsen. He confirmed as much one week after the shooting when interviewed by GBI agents. Olsen also told them no officer who arrived at the scene asked him what had just transpired.

"I thought it was pretty obvious that he lied," the forewoman said. "That's part of the problem. These little lies."

The jury also fairly quickly found Olsen guilty of two other charges: violating his oath of office, for making that false statement to Anderson, and violating his oath for using excessive force. The forewoman said she felt so confident in those decisions she wrote on the verdict sheet that Olsen was guilty of counts 4, 5 and 6.

Deliberators bogged down on count 3, aggravated assault. Around this time, a male juror who did not believe Olsen was guilty of murder threatened to reverse his guilty verdicts on all counts if there was a chance Olsen would be found guilty.

The forewoman said when jurors returned to deliberate on Monday, their sixth day at it, the fully expected discussions stretch out through the end of another week. Then, suddenly, there was some movement.

In his interview with the news media, Juror 31, a Jamaican-born forklift operator with a new baby at home, said he agreed to vote not guilty on the murder counts if the jury would find Olsen guilty of aggravated assault.

The other jurors, including the four other blacks on the panel, signed off on the compromise, but not without some prodding.

Juror 31 said he convinced one hold-out that they were left with two options. "Let her know that we can be part of something that could make a change, or we're not going to be part of something that makes a change," he said.

The forewoman said she never thought a unanimous verdict on the murder charges was possible.

"Because it never crossed my mind that entire group where nine people had said guilty, all would go to not guilty," she said. "I thought that was asking a little too much, personally."

And, truth be told, the forewoman said, there really wasn't absolute unanimity.

"You probably noticed there were some people crying at the end," she said, referring to three black women on the jury. They were upset, she said, "because they did not want to vote not guilty on body. It was just breaking their hearts — to have to vote not guilty for murder."

In the end, "what we did, we voted in a way that would assure punishment," the forewoman said.

Bob Rubin, a Decatur criminal defense attorney, said that, when discussing the trial with other lawyers, virtually all believed Olsen was overcharged.

"This was a classic case of involuntary manslaughter," Rubin said.

Unlike a murder charge, involuntary manslaughter is imposed when there is no intention of killing another person. Rather, a person's careless actions

resulted in the death of a human being.

**An appropriate sentence**

In Georgia, jurors are not told what penalties accompany their guilty verdicts. It's a custom many lawyers say should be abolished.

"Where else in life would you agree to a deal without knowing the consequences?" Rubin asked.

But the forewoman told the AJC jurors knew that if they found Olsen guilty of just one of the felony murder counts, he would spend the rest of his life in prison.

"To me, honestly, a life sentence for that man seemed like vengeance. I didn't seem like justice," the forewoman said.

She said a more appropriate sentence in this case would range somewhere between a 20-year sentence, with 15 years in prison followed by five years on probation — the terms of a plea deal rejected by the defense — and the 10-year prison sentence recently imposed against former Dallas cop Amber Gogger.

That sentence triggered protests outside the courtroom, with many activists describing it as too lenient. Gogger, who is white, said she shot her neighbor, 26-year-old Northam Jean, after thinking she was in her own apartment and believing he was a burglar. Jean was black.

Olsen may end up with a stiffer sentence, even without a murder conviction.

**Police accountability on trial**

Though many viewed the Olsen trial as something of a referendum on police accountability, Rubin cautioned against drawing any grand conclusions.

"This was not an easy case," he said. "These compromise verdicts aren't satisfying because they don't speak the truth as to what the jurors really felt," he added. "They compromised just to end."

The forewoman defended the verdict, saying it represented the best solution they could find.

"And I feel like the people on the jury — every single person was completely engaged ... there were no vitals. It was just people trying to find it come out in a way that made it feel right to them."

What it means to other cases involving police remains to be seen.

In Washington County, three deputies have been charged with murdering a 38-year-old black man, Barrie Martin, after being shocked repeatedly with a Taser. The three white deputies claim self-defense, and a judge will rule Oct. 23 whether to grant them immunity. If denied, they are set to stand trial in December.

Former Atlanta police Officer James Burns' murder trial also awaits. Burns shot a man fleeing in a vehicle, then alleged the driver tried to run him over. Dashcam video and eyewitness accounts contradicted Burns' claim that he acted in self-defense.

And a decision is expected soon from Fulton County District Attorney Paul Howard on whether to charge Georgia Tech police Officer Tyler Beck with murder for the death of Scout Schultz.

AJC EXCLUSIVE

## When carefully rendered justice still just feels unjust to all involved



**Bill Torpy**  
Only In The AJC

For weeks, a group of protesters stood outside the DeKalb County courthouse demanding "justice" for Anthony Hill.

Hill was the 26-year-old Afghanistan War veteran shot to death in 2015 in an apartment parking lot by a DeKalb cop. Hill was naked, unarmed and suffering a mental meltdown when he was killed, and the case was seen as a touchstone regarding how police shootings should be handled in the justice system.

That the officer was white and Hill black cranked up the case profile even more.

The district attorney's office tried the then ex-cop, Robert "Chip" Olsen, on felony murder



**Anthony Hill**



**Robert "Chip" Olsen**

charges. But such charges are a tough sell, as jurors are reluctant to impose the most severe criminal penalty on cops who kill civilians in the line of duty – although nine of the Olsen jurors wanted to do just that.

Olsen said he felt the approaching naked man was going to harm him.

The racially mixed jury wrestled with the issue and ultimately returned a compromise verdict that found Olsen not guilty of murder, but guilty on charges – including aggravated assault – that could have landed the 57-year-old behind bars for 30 years.

Hill's family, leaders from the NAACP and many other activists wanted the max. It would send a message, they said. It would make cops think twice

about shooting unarmed black men in the future.

When it came time for the sentencing last week, DeKalb prosecutor Pete Johnson, a no-compromise kind of guy, tried to bring the protests inside the courtroom.

"We are not unaware what the community has said," Johnson told the judge. "The community is asking for the maximum."

Johnson, who is the equivalent of a heat-seeking missile

**Torpy continued on B7**

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THE ATLANTA JOURNAL-CONSTITUTION

CREDIBLE. COMPELLING. COMPLETE. B7

# METRO

## Torpy

continued from B1

in the courtroom, wanted to oblige the wishes of the "community." Or at least use those outcries as a tool.

He asked those in the packed courtroom who were there for Anthony Hill to stand. Most people in the spectators section did. Almost all of them were black.

Later, as he came to a close, Johnson got rolling: "This has torn the community. We need to deter other officers here. If a sentence is not appropriate, what message do we send?"

He answered himself, "It says it's not a big deal. There has to be some accountability here."

The judge's duty, Johnson said, was to "restore the faith in this Police Department in the community."

My notes have him using the word "community" 10 times, although I probably missed a few.

The prosecutor, who wanted a 25-year prison sentence, saved a challenge to the judge for last:

"Whether you like it or not, you're the conscience of this community."

I said "challenge," but Johnson's oratory seemed to lean toward intimidation. It was like he was trying to bully the rookie judge, a young (for a judge) black woman, into believing she would somehow be out of step with "the community" if she declined to sentence the ex-cop to the max.

Judges, after all, are elected officials.

DeKalb Superior Court Judge LaTisha Dear Jackson, who was elected last year and has been on the bench for months, showed the neutrality and wisdom of a veteran jurist during the sometimes contentious trial.

When it was finally her turn to speak, Dear Jackson turned to empathy — for the victim's family, who had waited four and a half years for this day, and for Olsen, who sat stoically during the entire proceeding.

First, she spoke to Hill's parents, saying they showed fortitude and strength. She noted that the young man's mother, Carolyn Glummo, dis-



DeKalb County prosecutor Pete Johnson insisted that the court should listen to the "community" when deciding the punishment for the ex-cop who killed Anthony Hill. BOB ANDRES / ROBERT ANDRES@AJC.COM

played compassion for the Olsen family, which "is something that is to be desired by everyone."

Then she said, "Mr. Olsen, I watched you through the whole trial. And what I can say is many thought you were stoic and void of emotion. I think I will take something that your sister said that you're like an egg with a hard shell and a soft side. Because from the time opening statements started I saw the

community, found you guilty of something less than murder. And that's what I have before me."

So she gave him 12 years to serve.

I spoke with Dear Jackson this week. She was the fourth DeKalb judge assigned to this case — three others had tossed aside this hot potato and recused themselves. Before the trial, she told all the parties that she had gone up against prosecutor Johnson in court as a private attorney and that District Attorney Sherry Boston (has been her bridesmaid. (This was before they were in their current jobs.) Both prosecutors and defense attorneys agreed the judge could be fair.

A lawyer of 18 years, Dear Jackson said she used to work as a part-time municipal judge in Stone Mountain, where "small-town politics" sometimes prevails. There, she learned to "make rulings based on what's inside the courtroom, not outside."

It's a lesson she brought to the Big Time, where TV cameras recorded every utterance and national news audiences watched

an important case.

Sure, she noticed the cameras. "But you always have a lot of eyes on you" as a judge, she said.

I asked Dear Jackson if she felt any attempt at intimidation with the prosecutor's constant talk of "the community" and that she was its conscience who needed to send a message.

(Before she answers, let me point out that if there is any conscience in this process, it would be the 12 citizens drafted into civic duty — *the jury*.)

"I'm not the conscience of the community," the judge said. "First, you must decide, what community are you talking about. Is it the police community? The African American community? The veterans' community?"

"If it is that, then it is not about the law," Dear Jackson said. "I'm not ignorant or blind. But you have to be consistent and follow the law."

In the end, she split the baby and neither side was happy. In a wrenching, emotional struggle like this, if both sides are unhappy then it's often the case that you've made the right call.