

# Cleveland Judge Recommends Charges for Police Who Killed Tamir Rice

'We are grateful that the wheels of justice are starting to turn,' says family of 12-year-old killed in park

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Global Research, June 12, 2015  
[Common Dreams](#)

Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

Image: Tamir Rice's mother, Samaria (pictured above, center) welcomed the judge's ruling. (Photo: AP)

*A judge in Cleveland on Thursday found probable cause that police officer Timothy Loehmann should face murder, involuntary manslaughter, reckless homicide, negligent homicide, and dereliction of duty charges in the [shooting death](#) of 12-year-old Tamir Rice last November. The judge also ruled that probable cause exists to charge Loehmann's partner, officer Frank Garmback, with negligent homicide and dereliction of duty.*

*However, Judge Ronald B. Adrine, presiding judge of the Municipal Court, said he did not have the power to order the officers' arrests without complaints being filed by a prosecutor.*

The ruling came after a group of activists and community leaders—the 'Cleveland 8'—on Tuesday [asked the court](#) to have the officers arrested under a rarely used Ohio law that allows "a private citizen having knowledge of the facts" to start the process by filing an affidavit with a court. They argued that the widely seen video of an officer killing Tamir while he played with a toy gun in a park had given nearly everyone knowledge of the facts.

*NBC News [reports](#) that "In his 10-page ruling, Adrine called the video 'hard to watch,' saying he was 'thunderstruck by how quickly this turned deadly.'"*

Adrine also noted how long Tamir was left to lie wounded on the ground with no indication that anyone was trying to help him.

"It is difficult to discern, because of the quality of the tape, what, if any, first aid anyone renders to Rice during these eight minutes," Adrine wrote. "Nearly fourteen minutes ultimately expire between the time that Tamir is shot and the time that he is removed from the park."

In response to the ruling, county prosecutor Timothy J. McGinty issued what the *New York Times* [described](#) as a "terse statement indicating that he would not be rushed into filing a criminal complaint."

That [statement read](#):

"This case, as with all other fatal use-of-deadly-force cases involving law

enforcement officers, will go to the grand jury. That has been the policy of this office since I was elected. Ultimately, the grand jury decides whether police officers are charged or not charged.”

Tamir’s family, through attorney Walter Madison, called the ruling a “historic” victory . They [released a statement](#) that read:

The family of Tamir Rice is appreciative of their attorneys, Walter Madison, Benjamin Crump and Daryl Parks along with the efforts of the “Cleveland 8” who exercised civility and intellect by invoking Ohio Citizen Participation laws Tuesday to effectuate arrests of the officers responsible for the shooting death of 12-year-old Tamir Rice.

The “Cleveland 8” has provided a blueprint for the nation to follow in addressing many of the relationship problems between African-Americans and Law Enforcement.

Judge Ronald Adrine heard the pleas of the Cleveland 8, took into consideration the affidavits provided and determined there was probable cause to issue a warrant for Officers Loehmann and Garmback. We are grateful that the wheels of justice are starting to turn.

Cleveland’s *Plain Dealer* [explains](#) that “the court filings were a move to force the judicial system to quickly confront the case.”

Progress has been [sluggish thus far](#). Earlier this month, the Cuyahoga County Sheriff’s Department forwarded its investigation of the shooting to the prosecutor’s office last week after a six-month investigation. Now the prosecutor’s office will review the case, conduct additional investigations if needed and present the facts to experts for feedback before delivering the evidence to a grand jury. That process could take weeks or months.

At the end of May, the U.S. Department of Justice [announced](#) a settlement with the city and its police department, following a [deeply critical](#) investigation that found an unconstitutional “pattern or practice of the use of excessive force.”

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