



Shooting was unlawful, lawsuit against city alleges

Police shooting unjustified, unlawful, parents say

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OAKLAND — The family of 20-year-old Gary King Jr., who was killed by a police officer last year, has filed a wrongful-death lawsuit against the city, saying the use of deadly force against him was unjustified and unlawful.

No amount has been specified in the lawsuit, but attorney Michael Haddad, who is representing the family, said he expected it to be a multimillion-dollar claim.

King was killed Sept. 20 by police Sgt. Pat Gonzales after Gonzales stopped him, believing he fit the description of a man wanted for questioning in an August homicide.

The ensuing altercation remains under review, with both sides strongly contesting the events that led up to the shooting.

Police officials said Sept. 24 that it appeared Gonzales feared for his life when he fired at King.

Police said King was wielding a loaded weapon and was fighting with Gonzales.

Witnesses have said King was trying to get away from the officer.

Haddad said King was not holding a weapon during the struggle and that the officer used excessive

force.

The claim was filed on behalf of King's parents, Gary Sr. and Catherine, as well as an unborn child with whom the claim says King Jr.'s girlfriend is pregnant. It lists Gonzales, police Chief Wayne Tucker, the police department and the city of Oakland as parties responsible for the incident.

Oakland police Sgt. Michael Poirier said three separate inquiries are being conducted into the incident.

The inquiries are being handled by the department's homicide detail, its internal affairs division and the Alameda County district attorney's office. Gonzales has been cleared in two previous shootings, one of them fatal, since 2002.

Alex Katz, a spokesman for City Attorney John Russo, said Russo's office could not comment because they had not yet been served with the papers. The Oakland Police Department did not return calls seeking comment Friday.

A jury trial date has yet to be set, but the case will be heard in Oakland by Judge Sandra Armstrong, according to Haddad, whose firm Haddad and Sherwin has handled numerous civil rights and officer-involved shooting lawsuits.

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