



Image: © Louie Tran



**STOLEN  
LIVES  
JUSTICE  
FUND**



# Stolen Lives Justice Fund

## MARCUS GOLDEN'S STORY

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*Marcus*

# Fighting for Justice for Marcus Golden

JANUARY & FEBRUARY 2022

## Arguing the Murder Exception: Police Shootings & Wrongful Death

Marcus Golden was killed by officers of the Saint Paul Police Department on a snowy night over seven years ago. His case was the last where the Saint Paul PD investigated their own police shooting incident. The officers were never charged, and Marcus' family never really knew what happened to Marcus when he met Officers Peck and Doverspike in that parking lot at two in the morning. They never received justice for their loss, and it seemed like they never would.

At least it seemed like there would be no justice for Marcus until this last December of 2021. Normally, once three years have passed, claims for a wrongful death expire, but last year an attorney associated with the Stolen Lives Justice Fund asked a Federal magistrate judge to allow a claim of wrongful death on Marcus' seven-year-old claim under an exception to the limit on claims for "a death caused by an intentional act constituting murder." The magistrate judge granted the motion to add the wrongful death claim.

This use of the Murder Exception is giving Marcus' family a chance at justice in the case of his death, but more than that, it may allow the families of Stolen Lives to try their killers for murder in a civil court for as long as the police officers involved are alive.

As you can imagine, this ruling disturbed the city of Saint Paul. The city has decided to hire private attorneys for the two cops involved in Marcus' shooting. The activist community stepped up and asked the city council why these two cops deserve outside counsel, when the city attorney's office has represented all the other killer cops in the City.

The city hired the private attorneys, saying they were required to because of a conflict of interest. Perhaps, but they only moved to do so when the Stolen Lives Justice Fund helped an attorney put the officers on the hook under the Murder exception.

The battle for justice for Marcus is just beginning. You can read his story in this issue, and help if you can.

*“This use of the Murder Exception is giving Marcus’ family a chance at justice in the case of his death, but more than that, it may allow the families of Stolen Lives to try their killers for murder in a civil court for as long as the police officers involved are alive.”*





## The Story of Marcus Golden

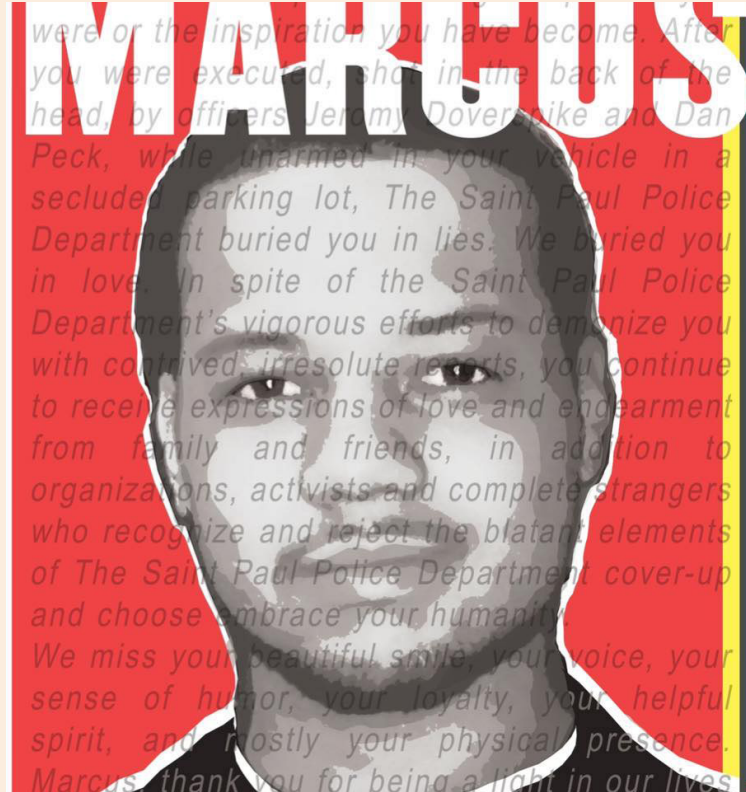
On January 14, 2015, at 2:20 a.m., Marcus Ryan Cullars-Golden, a 24 year-old black man, was shot and killed by St. Paul police officers Jeremy Doverspike and Dan Peck. Doverspike and Peck self-responded to a service call for harassment from an unnamed 911 caller who reported Marcus was texting death threats to him.

**This original 911 call for service turned into a deadly incident due to the failure of the responding officers, Officers Peck and Doverspike, and their escalatory behavior.**

When a 911 call comes in, dispatch's job is to accurately compile all the information, relay it to the police and send squad cars. The police officer's job in a harassment call is to assess and investigate both sides of the situation. That is the reason that dispatch sent two squad cars, Squad 221T and Squad 223T. One squad car would talk to the 911 caller and the other squad car would talk to Marcus. By rushing in, without first notifying dispatch and without waiting for the two dispatched squad cars, Doverspike and Peck placed themselves and Marcus in a dangerous and avoidable situation.

Doverspike and Peck intervened based only on the complaint told to dispatch and announced on the radio. The threats had not been investigated and no one had actually viewed the phone for any alleged threats by Marcus. Notably, the 911 caller was safely locked in the apartment building throughout the 911 phone call and the officer's arrival. Therefore, Marcus Golden did not pose an immediate threat to the 911 caller, and the police had time to investigate.

*Continued on page 5.*



Graphic credit: Leon Wang

## What are “Stolen Lives?”

We use the term Stolen Lives to refer to people who died at the hands of police or in the course of law enforcement activities.

## Reinvestigation Workgroup

For every police killing, there is a conventional narrative that's spread by police and the County Attorney to avoid holding law enforcement officers accountable. The Reinvestigation Workgroup researches all of the available evidence to find disparities in that narrative. We disseminate the authentic narrative to the families, to their attorneys, and to the media and community.

## Data Practices Workgroup

Data requests are how we collect government information to find training documents, policies, and other information for our investigations. The Data Practices Workgroup works with the Reinvestigation Workgroup to request data for cases and family members.



Jeremy Doverspike and Dan Peck arrived in a squad without lights or siren, knowing that in-car cameras would not be activated unless their flashing lights were switched on. Marcus was parked in the far back of the lot. The driveway to the apartment parking lot is very long and curved and there is only one way out. Upon arrival, Officer Doverspike got out of the driver's seat, took the GMC license plate and called it in to dispatch. As Officer Doverspike was calling in the license plate information, Marcus began to drive away. Allowing Marcus to drive away in the GMC Jimmy would have been one of the many ways that Doverspike and Peck could have prevented the death of Marcus Golden.

*“Marcus Golden’s family, loved ones, and the community deserve a complete explanation of this incident and the mistakes made by authorities throughout.”*

The crime scene photos show how the fresh-fallen snow preserved the facts of this case. Tire tracks in the snow show that the officer's story of Marcus driving straight at them is false. The tire tracks show Marcus driving wide around them, risking driving near a steep ditch and hitting a fire hydrant, as he tried to drive around the officers. The officers' own footprints in the snow tell the truth of their actions in Marcus's death, Doverspike first standing in the path of Marcus' car, then chasing after Marcus, and putting himself in danger of being hit by Marcus' car. The officers' shell casings fell in neat little piles in the snow, showing that they fired in the direction

of the exit to the parking lot after Marcus passed them. The photos of Marcus' car shows that officers' bullets struck in the back door and rear quarter of the vehicle. The photos of Marcus' body show that a bullet struck his left arm and in the back of his head. All this evidence shows that Marcus was not a threat to the officers when they opened fire on him.

Saint Paul PD quickly moved to control the media and the investigation of Marcus' death. SPPD held a press conference the next day, transforming the male 911 caller into a female, making the 911 a domestic violence call and making Marcus' shooting more acceptable. Saint Paul took pictures, bagged physical evidence, and went door to door finding that no one had seen the 2am shooting.

The next day the officers gave their statements to SPPD investigators. Doverspike said he didn't remember anything after Marcus started driving. Peck said he believed Marcus shot at the officers. (An unfired gun was found in Marcus' car, but not until 11am the next morning after a search of Marcus' grandparents' home.) Once the police reports were written, Ramsey county invited Washington county to decide whether to charge the officers.

No charges were brought against the officers in the aftermath of this incident. Marcus Golden's family, loved ones, and the community deserve a complete explanation of this incident and the mistakes made by authorities throughout.

What danger did Marcus pose to anyone at that moment he was killed? Officer Doverspike had already called in the license plate, so Marcus and his car could be identified after he drove away. What was the reason to fire any shots at a departing Marcus towards an apartment building full of people?

*Continued on page 6.*

## The Story of Marcus Golden, *Continued*

CUAPB's reinvestigation team found that Marcus Golden died due to:

- A failure of the SPPD to provide proper training to police officers to utilize the lights and cameras on the squad car during any investigations. MN Statute 169.17
- A failure of SPPD to provide proper training to police officers to investigate a harassment complaint.
- A failure of Officers Jeremy Doverspike and Dan Peck to use their training and SPPD policy to guide their response in order to de-escalate and properly investigate the situation.
- A failure of SPPD and all investigators for releasing inaccurate information to the media, therefore compromising the integrity of the investigation and of accountability to the Saint Paul community.
- A failure of Officers Doverspike and Peck to exercise judgment in depriving Marcus Golden of his life.

Additionally, we assert that several actors, including the Washington County Attorney, the Ramsey County Attorney, and the SPPD failed to demonstrate appropriate accountability and investigate the incident thoroughly to get the truth of what happened.

### State-Created Danger

Sean Bell and two friends were out celebrating at a nightclub on November 25, 2006. Sean was to be married the next day but he never made it to the altar. As a fight broke out at the club, Sean and his friends fled to their car, only to face a hail of gunfire that took Sean's life and left his friends maimed. Without realizing it, they drove toward an undercover cop who stepped in front of their car as they tried to leave. When Sean backed up to avoid hitting him, the car ran into an unmarked police van.



A memorial to Marcus is decorated with flowers, star-shaped balloons and two signs that read, "Liberty & Justice 4 Marcus" and, "4 Marcus Golden 4 Ever." Photo courtesy of Monique Cullars-Doty

Sean Bell's life ended because an undercover officer manufactured a deadly force situation when he stepped in front of Sean's car.

According to Lexipol, "The state-created danger doctrine allows an officer to be held liable for injuries or deaths that occur because of a danger the officer "created" by an act or failure to act when the officer knew or should have known action or non-action would bring obvious danger and harm to a person." (Wallentine)

This doctrine is key because cops cannot be allowed to create the conditions that then permit them to use deadly force without accountability.

# Due Process & State-Created Danger

## What is the Legal Basis for State-Created Danger Clause?

The Fifth and Fourteenth Amendments to the United States Constitution command that no one shall be “deprived of life, liberty, or property without due process of law.” In other words, the government can take no action that takes away a citizen’s life, liberty, or property without a fair legal process.

Our due process rights are divided into two camps: procedural and substantive.

Procedural Due Process	Substantive Due Process
Rights that “address the government’s obligation to ensure that legal procedures are carried out in a fair and just manner”	General rights “that individuals possess and upon which the government may not infringe.”
Right to a trial by jury Right against unlawful search and seizure Right to an attorney Freedom from self-incrimination	Freedom of expression Freedom of association Rights to personal autonomy, bodily integrity, self-dignity, and self-determination

What is important about our due process rights are that they are negative liberties. Negative liberties are those rights that the government is not permitted to infringe upon but not required to protect.

The Supreme Court held in *DeShaney v. Winnebago County Department of Social Services* (489 U.S. 189 (1989)) that there is “nothing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors.” For example, police officers are not required to protect you from danger from other private citizens. There are, however, two exceptions to this rule,

- The government establishes a “special relationship” with a person. For example, police take an individual into custody or otherwise restrain a person’s liberty.
- The government takes action or fails to take action in a way that creates or enhances a danger to an individual. This is the state-created danger exception.

In essence, if the government is responsible for creating a danger to an individual, they are responsible to protect them from that danger. For the state-created danger doctrine to apply, the following must be true:

1. A state actor or state actors affirmatively acted to create or enhance a danger to the individual;
2. that the act or acts created or enhanced a danger specific to the individual and distinct from the danger to the general public;
3. that the act or acts caused the individual’s harm; and
4. that the state actor’s conduct, when viewed in total, shocks the conscience.



## Marcus Golden: Killed by State-Created Danger

This is the exact situation we find in the St. Paul Police killing of Marcus Golden.

Marcus Golden was put in harm's way by Officers Doverspike and Peck. The officers arrived at the parking lot without activating their lights, sirens, or in-car camera. They pulled up directly adjacent to Marcus' car, which was parked in the far back of the lot. Officer Doverspike took affirmative action to create a danger to Marcus by getting out of his squad car, walking around his driver's side car door, and standing directly in front of Marcus' vehicle as he radioed in the license plate number. Doverspike made it impossible for Marcus to leave the scene safely by stepping in front of the car.

Officer Doverspike made it so Marcus' only avenue of escape was to drive in his direction, an action he took specifically towards Marcus. Then, as Marcus tried to navigate the vehicle through a narrow, dimly lit parking lot through fresh snow, both of the officers fired at him and took his life.



## Remembering January and February Stolen Lives

### January Stolen Lives

Hosie Walton, Jr.  
Lloyd Smalley  
Lillian Weiss  
Gregory Stampley  
Shawn Mettler  
William Shotley  
Thomas L. Kanter  
Stanley J. Larry  
Kesha Williams  
Michael M. Truchinski  
Walter Gordon  
Johnnie B. Rogers  
Leslie Fredrickson  
Benjamin DeCoteau  
Matthew Balsimo  
David Daniels  
Richard Vosburgh  
Mark C. Backlund  
Joshua Beacom  
David A. Laugerude  
Phillip R. Robinson  
Jason Clemenson  
Thomas Robinson  
Andrew D. Layton  
Lloyd H. Tschohl  
Marcus Golden  
Quincy Reindl  
Sinthanouxay  
Khottavongsa  
Raymond Kmetz  
Ronald D. Johnson  
Jamison Anderson  
George E. Washington  
Nicholas D. Moore  
Gilberto Salas

Joseph A. Roberts  
Taylor J. Turek  
Matthew Tuhkanen  
Man Unidentified  
Joshua Vogt  
Wesley Torke, Jr.  
Man Unidentified  
Brian Andren  
Scott M. Jordan

### February Stolen Lives

Thomas D. Peterson  
Dominick L. Koch  
David Conwell  
James Blakkestad  
Dawn M. Pfister  
Matthew V. Serbus  
Rich Kruger, Jr.  
Nekeya Moody  
Tyler Schmidtbauer  
Theodore Bobo  
Raymond Ziegler  
Marcus J. Burrell  
Ahmed Gulad  
David Savela  
Shannon Savela  
Aaron Rasmussen  
John Birkeland  
Gordon Denmark  
Shane E. Fischer  
Jack Dale Price  
Kenneth Beaupre  
Mitchell Moua  
Alden P. Anderson  
Jerome Harrell  
When a member of



©KingDemetrius Pendleton

## Monique Cullars-Doty

*Aunt of Marcus Golden; Black Lives Matter Twin Cities Metro & Black Lives Matter Minnesota*

Many family members of stolen lives, community activists, and organizations are quick to support other families in need. Without the work of these individuals and groups, Minnesotan activism against police violence would not look the same. When Monique and Marcus' family needed community these past few weeks, the community stepped up.

***The rest of the SLJF will highlight these amazing community activists.***

One of the most prominent figures is Monique, the aunt of Marcus Golden. She has been fighting for justice on his behalf since the day he was killed. She has become a tireless advocate not only

for Marcus but for other families who have lost someone to the police. Monique is the lead organizer for Black Lives Matter Twin-Cities Metro Area and co-founder of Black Lives Matter Minnesota.

She has organized numerous protests, most notably the annual Black Fair protest outside the Minnesota State Fairgrounds. Additionally, Monique has organized extensively for other police accountability movements such as Blue Lies Matter and Twin Cities Coalition for Justice 4 Jamar.





(Right) Matilda Smith speaks on the microphone, standing next to Marilyn Hill, the mother of Demetrius Hill. Photo Credit: Louie Tran



## Matilda Smith and Marilyn Hill

Matilda and Marilyn both lost sons after they were killed by the St. Paul Police Department. Marilyn Hill is the mother of Demetrius Hill, who was killed April 28th, 1997. Matilda Smith's son, Jaffort Smith, was killed on May 9th, 2016. Since their sons' deaths, these mothers have been fighting for justice for their sons and supporting other stolen lives families through their membership in the organization Families Supporting Families Against Police Violence.



(Left Center) Matilda Smith holds a sign that says "Please! I can't breathe" Photo credit: Louie Tran; (Right Bottom) Marilyn Hill speaks into a bullhorn wearing a red "Families Supporting Families Against Police Violence" sweatshirt. Photo credit: Micki Benson





(Left) Toshira Garraway speaks at an event and is standing next to a poster of her fiancé, Justin Teigen; (Bottom) Toshira speaks at a rally. Photos by Louie Tran

## Toshira Garraway

*Families Supporting Families Against Police Violence*

Toshira Garraway founded Families Supporting Families Against Police Violence after nearly ten years of fighting for justice for her fiancé Justin Teigen. In 2009, Justin was found dead in a recycling facility after a chase with St. Paul police. The department claims that Justin fled from police, climbed into a dumpster and died when the truck picked it up. Toshira believes the police are responsible for his death.

Families Supporting Families Against Police Violence is a support group specifically for families and friends who have lost someone at the hands of law enforcement.







## Kim Handy-Jones

*Cordale Q. Handy In Remembrance of Me Foundation*

Kim's son, Cordale Handy, was also killed by the St. Paul police on March 15th, 2017. Since his death, Kim Handy-Jones has been a fierce fighter, advocate, and activist in the Twin-Cities and her native Chicago area. In addition, the creator of the "boots on the ground" chant created a foundation in the name of her late son.

The Cordale Q. Handy In Remembrance of Me Foundation is a non-profit organization that provides headstones to families who have lost children to police and community violence.



Photo by Jean Pieri, Pioneer Press





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 Image Theory  
 Photography);  
 (upper right)  
 KingDemetrius  
 Pendleton; (cen-  
 ter) Louie Tran



© Louie Tran

## Nekima Levy-Armstrong

*Racial Justice Network*

The Twin Cities Movement is not complete without Nekima Levy-Armstrong, a civil rights attorney, activist, and former University of St. Thomas law professor. Nekima fights for justice for stolen lives not only in courtrooms, but also through policy, community engagement, and protest.

Nekima also founded the Racial Justice Network, “a multi-racial, grassroots organization committed to fighting for racial justice and building bridges across racial, social, and economic lines.”





## Chauntyll Allen

*Midway Rise Up Coalition & St. Paul School Board Member*

Chauntyll Allen is one of many prominent faces in the St. Paul activist community. After being an organizer with Black Lives Matter Twin Cities for many years, Allen secured a seat on the St. Paul Board. In addition to fighting against police injustices, Allen works to reduce community violence and racism in the school system.

Chauntyll is also the founder of the Midway Rise Up coalition, a community organization whose mission is to “rediscover and reclaim our community.”



## Trahern Crews

*Black Lives Matter Minnesota & St. Paul Recovery Act for Reparations*

Trahern is the co-founder and lead organizer for Black Lives Matter Minnesota, which supports families of stolen lives through community events and protests. Trahern's nephew was also killed at the hands of law enforcement. Hardell Sherrel was an inmate in Beltrami County Jail when he died as a result of medical neglect.

Trahern also spearheads The St. Paul Recovery Act for Reparations.

Photo credits: (left) Phil Ward;  
(bottom right) Louie Tran







## Michelle Gross

*Communities United Against Police Brutality*

Michelle Gross has been a police accountability activist for over 30 years, making her one of the longtime activists in the Twin Cities.

Michelle is the co-founder and President of our organization, Communities United Against Police Brutality. Michelle touches nearly every facet of CUAPB, but specializes in connecting with, supporting, and advocating for families of stolen lives and victims of police brutality.





# THANK YOU

Without our partnership organizations and coalition members, we would not be able to sustain the fight for justice for stolen lives, their families, and victims of police brutality.

Racial Justice Network  
Families Supporting Families Against Police Violence  
CAIR-MN  
Twin Cities Coalition for Justice 4 Jamar  
Be Their Voices MN  
Minnesota Justice Coalition  
Black Lives Matter Twin Cities Metro & Minnesota  
Cordale Q. Handy In Remembrance of Me Foundation  
Native Lives Matter

and so many more....

The activists featured in this month's SLJF newsletter is not an exhaustive list; there are so many amazing activists in the Twin Cities not included here. We hope to highlight more of our community members' work in future issues.

A special thank you to our movement photojournalists, KingDemetrius Pendleton, Louie Tran, Phil Ward, Emma Leigh, and others.





## How Much Justice Can You Afford?

our community dies at the hands of law enforcement, there are giant hurdles in the way of justice for their families and the community. The investigation of the killing is handled by law enforcement itself, and then handed off to prosecutors whose daily work depends on the support of law enforcement. No wonder that only three police officers have ever been convicted in the killing of a citizen in Minnesota, and that one of those has had his charges downgraded from murder to manslaughter. This leaves lawsuits in civil court as the only kind of justice available to families of stolen lives. It can't bring back the stolen, or fire the cops, but it may be the only chance for families to tell the stories of the theft of their loved one's life. But even this justice does not come easy.

The killing of a community member at the hands of law enforcement leaves a scar on whole community, but for the families of these stolen lives, the question comes down to "How much Justice can you afford?" While Communities United Against Police Brutality helps by re-investigating the law enforcement narratives, and often helps families find an attorney, that is only the beginning of bringing a lawsuit against the police. That's where the Stolen Lives Justice Fund comes in. The costs of a lawsuit against the police are stiff: filing fees, fees for documents, deposition costs for stenographers, videographers, and rented conference rooms, fees for transcripts, hundreds of dollars an hour for expert witnesses on crime scene reconstruction, on police procedure, on the pathology of bullet wounds, and thousands of dollars for their reports.

The thing is that cities and states don't have to worry

**Who will  
protect your  
rights if you  
won't protect  
Marcus'?**





about these costs to defend killer cops, because you are paying them through the taxes that are taken from your paycheck or added to your lunch tab, and you can't do much about that. But you can choose to help the families of stolen lives; you can even the odds for the community through your donation to the Stolen Lives Justice Fund.

So how much justice can You afford?

Can you give \$5 per month to pay for an hour of stenographer time at the deposition of a killer cop?

Can you give \$15 per month to pay for the filing of a lawsuit that lets the story finally be told at the courthouse?

Can you give \$25 per month to pay for an hour of expert witness time, so that someone can tell the cops that they are wrong?

Choose an amount and help us get justice for the families of stolen lives.

Communities United Against Police Brutality is a Twin-Cities based non-profit organization that was created to deal with police brutality on an ongoing basis.

24/7 Police Brutality  
Hotline: 612-874-7867

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## SUBSCRIBE TO THE SLJF

The Stolen Lives Justice Fund pays for court filing fees, independent autopsies and investigations, and other needs of families of people killed by police. Because we have no paid staff, 100% of your contribution goes to direct aid for families of stolen lives.

☐ \$5   ☐ \$15   ☐ \$25   ☐ Other

Please give any amount. Or please consider joining a monthly subscription to the SLJF today:



Scan the QR code or click to [donate through PayPal](#) or find us on Venmo @cuapb!





## Updates from Previous Issues

### **Dolal Idd Case File Published on BCA Website**

*December 2021 Issue Update*

Since last month's SLJF newsletter highlighting the failure of the BCA to publish the public investigatory file on the death of Dolal Idd, the BCA has since published the file on their webpage. The Chiasher Fong Vue case file, however, has still not been published.



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