

## **Murder Trial**

John Coate February 2026

In October 1968, I had a low-end job in a political campaign down on Market Street in San Francisco. I was 17 and just a few months past my high school graduation.

I got a call one Monday from one of my high school friends, David A. He and another friend, David D., were freshmen at San Francisco State College and had just rented an apartment South of Market not far away. They invited me to come up after work and have dinner.

After work that day I walked from the campaign HQ to their little apartment, a modest South of Market third floor walkup.

As we ate dinner and talked Dave A said "Hey, I watched a murder last night."

"What?"

He said "Yeah, right out that window."

He pointed behind him to the big windows along the back wall next to the kitchen sink.

They lived in a neighborhood of apartments

and small houses mixed with small old brick warehouses. If you opened the window he was pointing at, you could climb through it and go right out onto the rooftop of an adjacent warehouse. Then you could walk about 60 feet to a little 3 foot high retaining wall at the edge overlooking the street. From there you could look directly down into the dead end of an alley.

On the right side there were a few small aging Victorian houses. Working class black families lived there. Across from the houses on the left was a wide one-story brick building used as a parking garage. One of those spaces was used by a guy to park his recreational speed boat.

So this guy was out the day before with his boat and his buddy and their girlfriends. Sunday night they returned the boat to the garage.

While the guy is trying to back the boat into the garage, a black guy who lives in one of the houses comes home in his car. There is a small fender-bender. The two of them get into a dispute that escalates into a big multi-person argument. It soon turns into a standoff between the neighbors versus the boat owner and his friends.

It was a warm night. Dave A, sitting at the table, hears noise and loud yelling through the open

kitchen window. He goes out the window to the edge of the warehouse and peers over the retaining wall to see what's going on. Illuminated by the streetlight below, he sees the white boat owner holding three black men at gunpoint. One of the black men picks up a stick to try to knock the gun out of the white guy's hand.

The white guy yells for him to drop the stick, counts one two three and shoots him point blank in the chest. The man's pregnant wife runs down from where she and some of their kids were watching on their porch. The white guy waves her away with his gun. The black man dies within minutes.

It then became known that the shooter who owns the boat, and his friend, are off-duty San Francisco police officers. During that entire fracas, that ended in murder, they never once mentioned that fact.

That same night, Dave A. went down to the police station to report that he had seen the fight and the killing.

The next night, by coincidence, I came over for dinner and a friendly visit.

Soon after Dave A. told me his story about what happened the night before, the three of us hear a bunch of sirens getting louder and closer, all

converging on that same alley where the shooting happened.

We want to know what's going on so we go back out to look.

My two friends and I look over the retaining wall.

Down below we see fire trucks and firemen in their heavy coats and hats. This puzzled us. There's no fire. Among the firemen were a couple of police patrol officers milling around.

David D says "I'm going to go to the top of the other building for a better look" and he goes over to a ladder on our left side where you could climb up one story higher.

We see one policeman walking slowly along the sidewalk, looking around the fronts of the buildings, pointing his big flashlight here and there and up the buildings. It looked to me like he was going to spot us. I said to Dave A, "I don't like this, let's go back inside."

He agrees and the two of us go back to the apartment while David D stays up where he is. Inside I again said I had a bad feeling. My gut told me we were likely to soon be paid a visit. Absent a better idea we started cleaning up and washing the

dishes.

In less than five minutes, we hear several voices in unison yell “freeze!”

We look out the kitchen windows and see on our right, on the roof of the building opposite the roof where David D was watching the street, six police all dressed in riot gear pointing assault rifles straight at David D, who is on the other roof with his hands up and a terrified look on his face.

At the same time, we hear boots coming up the stairs, boom, boom, boom, boom. The door bursts open, and trio of police order Dave A and me to stand against the wall.

We look out the window and see the police taking David D downstairs. We asked what was going on and one of them said they were taking him down to question him as a suspected sniper. They were there about ten minutes. One of the cops took the liberty of poking around the apartment with his flashlight, looking into the rooms and any closet with an open door.

Finally, once they figured out that we weren't doing anything, the cops downstairs let David D come back up. Then, pretty quickly, they all left.

Bewildered, I soon went home and went on with my life.

The shooting was big news in the city. Racial tensions were high. MLK and Robert Kennedy had been shot that year. Students were on strike against the Vietnam War and racial injustice.

After much public controversy and outcry, the shooter was charged with second degree murder.

In January 1969, it went to trial.

The defendant, Michael O'Brien, was a white policeman whose witnesses on his side were his white friend, also an off-duty San Francisco policeman, and their two white girlfriends plus a white private security guard who had been flagged down during the argument by the friend. On the other side was the family of the black guy who's dead, their black neighbor, the black guy who was in the fender bender and his black wife.

Except there's another witness, one with no stake in the matter who saw it all: the young white college student, Dave A. What about him?

To defend O'Brien, the Police Association hired a famous San Francisco trial lawyer, Jake Ehrlich. Their defense strategy was to get an all white jury

who would be sympathetic to O'Brien's fear for his safety, prompting him to take the action that he did.

But this white college student backs up the story the blacks are telling. We need to get him discredited. The way we do it is to get the judge to tell the jury to disregard David A's testimony because he is a violent college radical who is biased against the police.

How would they know this?

In a full day of sworn testimony, one policeman after another got on the stand and said they knew because, by coincidence, they happened to go into Dave A's apartment the next night because of the "sniper incident". They testified that while in the apartment they saw posters on the walls of Che Guevara and others that said "kill the pigs", "free Huey" "Black Power" and other radical slogans.

The actual things on the wall were a travel posters, a poster of Bob Dylan, and some Central American bark paintings that Dave's parents had given to him.

At the same time as the trial, San Francisco State College, where David was a freshman, was in the throes of noisy, sometimes violent, student strikes and demonstrations. They were anti-war, anti-racism, demanding things of the Administration.

The student strike was controversial. Much of the population didn't support it. Finding disapproving white jurors was not hard.

When asked if there were others present in the apartment, the police testified that there was one other person there besides the two roommates: a 30-something member of the Black Panther Party, who also happened to have a criminal record.

They didn't even say I was there. They had erased me from the story.

The police department sent up to the witness stand one uniformed policemen after another telling the same story. There were three people in the apartment: two white students and this Black Panther guy. There were violent posters on the walls. They depicted Dave A as a violent student radical so biased against the police that his account of the shooting was not be believed.

The next day was my turn on the witness stand. I, who the cops had managed to disappear out of the story.

For a full eight-hour day, I was examined and cross-examined. Ehrlick was a short man whose suits had a western cut that went along with his shiny black boots. His reputation and experience was such that

when he spoke the room went silent and filled with his fiery pronouncements and accusations as he depicted the shooter as the real victim.

I said what was really on the walls. I said my friend was conscientious and nonviolent. I described the whole scene of us looking over at the alley and then having the cops come into the apartment. When I said we went back inside and started cleaning up, he accused me of having something to hide.

But I had nothing to hide. I told it straight as it happened. I did not embellish anything. I didn't need to. But my message was clear: all of the cops are lying.

The next day one of the cops came back on the stand and said he had seen me out at the SF State protests, demonstrating and throwing rocks. That too was a lie.

For this, I had my picture on the front page of both San Francisco newspapers. "Witness Disputes Cops' Story."

We had told the truth. But it didn't matter. The judge sided with the police and decided that we were not to be believed. He instructed the jury to disregard our testimony.

They lied and the cop was acquitted. The black family was left with nothing.

it was about one month after my eighteenth birthday.

Not long after, the San Francisco District Attorney sent me a letter saying he hoped I would not lose faith in the American system of justice.

Later the whole drama was made into a cover story for the once-popular leftwing magazine "Ramparts." At one point the article says with some irony, "John Coate has long hair and is obviously another traitor to his race."