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Illegal Immigrant Found Not Guilty in San Francisco Killing

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A Mexican immigrant on Thursday was found not guilty of murder in the killing of a woman here two years ago in a case that became a rallying cry against illegal immigration for President Donald Trump during his campaign.

A San Francisco jury found Jose Ines Garcia Zarate, a repeat felon who was deported five times, guilty of illegally possessing a firearm. But they acquitted him of murder and manslaughter in the shooting and killing of Kate Steinle, 32 years old, while she walked with her father on a San Francisco pier on July 1, 2015.

The single bullet that killed Ms. Steinle ricocheted off the ground before hitting her, ballistics experts testified at trial.

Prosecutors said at the trial that Mr. Garcia Zarate was playing a dangerous game of “Russian roulette” by firing the gun on the crowded pier and that he knew exactly what he was doing.

Mr. Garcia Zarate’s public defender, Matt Gonzalez, argued that the shooting was an accident. Mr. Gonzalez said his client found the gun after it had been stolen from a U.S. Bureau of Land Management ranger’s parked vehicle.

After the verdict, Ms. Steinle’s family told the San Francisco Chronicle Thursday that they were stunned by the news.

“We’re just shocked—saddened and shocked...that’s about it,” her father, Jim, said. “There’s no other way you can coin it. Justice was rendered, but it was not served.”

Mr. Trump and Attorney General Jeff Sessions have frequently cited the case as an example of crimes committed by illegal immigrants as they seek to crack down on sanctuary cities like San Francisco and tighten the country’s borders.

“A disgraceful verdict in the Kate Steinle case!” the president tweeted Thursday night. “No wonder the people of our Country are so angry with Illegal Immigration.”

The Justice Department is exploring whether federal charges could be filed in the case, according to a person familiar with the government’s deliberations.

Tom Homan, deputy director of U.S. Immigration and Customs Enforcement, said Ms. Steinle's death would have been prevented had San Francisco complied with a request to turn him over to federal authorities. He said his agency would move to take custody of Mr. Garcia Zarate and ultimately deport him.

Mr. Garcia Zarate had been freed from San Francisco County jail on an old drug charge months before the shooting, despite a request from ICE to the sheriff's department that would have enabled the federal agency to take him into custody. The city doesn't honor these requests from ICE.

The case was among several that Mr. Trump cited in his repeated pledge to crack down on sanctuary cities—jurisdictions that limit cooperation with federal immigration authorities—in part by curbing some federal grant money. A federal judge in San Francisco earlier this month issued a nationwide, permanent injunction barring the government from doing that.

The murder case inspired legislation that has stalled in Congress. Called "Kate's Law," the legislation would increase penalties for criminal aliens caught re-entering the country.

Mr. Sessions on Thursday night seized on the case to underscore the administration's battle against sanctuary cities.

"I urge the leaders of the nation's communities to reflect on the outcome of this case and consider carefully the harm they are doing to their citizens by refusing to cooperate with federal law enforcement officers," he said.

Jeff Adachi, who heads the public defender's office in San Francisco, said the verdict showed that Mr. Garcia Zarate was able to get a fair trial "regardless of the tremendous amount of negative publicity."

Alex Bastian, a spokesman for the district attorney's office, said it wasn't the verdict prosecutors were hoping for.

Mr. Garcia Zarate could be sentenced to a maximum of three years behind bars for the illegal possession conviction.

Once his prison term ends, Mr. Garcia Zarate stands to be swiftly deported back to Mexico. Under U.S. immigration law, he is barred from returning to the U.S.—even as a visitor—because of his multiple felony convictions, including for re-entering the country illegally.

Overall, illegal immigrants are incarcerated at a lower rate than native-born Americans, according to research by the Cato Institute, a libertarian think tank.

Immigration in general either has no effect on crime or is linked to a decrease in crime, according a recent analysis of 51 studies on the topic conducted by Charis Kubrin, a criminology professor at University of California, Irvine.