



Alameda County District Attorney's Office Dismissed Involuntary Manslaughter Charge Against City of Alameda Police Officer for the Death Mario Gonzalez

Expert on Cause of Death Gives Inconsistent Statements Under Penalty of Perjury

December 20, 2024

Oakland, CA – Today, prosecutors assigned to the Alameda County District Attorney's Office Public Accountability Unit (PAU) dismissed the criminal case against City of Alameda Police Department Officer Eric McKinley— he had been charged with involuntary manslaughter for the April 19, 2021, death of Mario Gonzalez. Officers Eric McKinley, James Fisher, and Cameron Leahy were detaining Mr. Gonzalez in response to a public disturbance call, when he died as he lay face-down on the ground in handcuffs. The court previously dismissed the cases against Officers James Fisher and Cameron Leahy, leaving Officer Eric McKinley to face prosecution alone.

The decision to dismiss the involuntary manslaughter charge against Officer McKinley was the direct result of inconsistent statements made under penalty of perjury by Dr. Bennett Omalu. Dr. Omalu was the forensic pathology expert on cause of death for the family of Mario Gonzalez in their civil case against the City of Alameda, the Alameda Police Department, and its employees, Officers Eric McKinley, James Fisher, and Cameron Leahy. The People have to prove that Officer Eric McKinley caused the death of Mario Gonzalez for a jury to find the Officer guilty of involuntary manslaughter. The initial autopsy was conducted by the Alameda County Coroner, and three of their forensic pathologists opined that the cause of death was “toxic effects of methamphetamine”. Dr. Omalu, on the other hand, performed the second autopsy and opined that the cause of death was “restraint asphyxiation”.

However, Dr. Omalu recently filed a Motion to Quash the People's subpoena compelling him to appear in court to testify in the criminal case; in it, Dr. Omalu wrote and signed a declaration under penalty of perjury that was inconsistent with his sworn deposition in the civil case. Although Dr. Omalu did not change his ultimate opinion on the cause of death, multiple key inconsistencies by this now hostile yet necessary witness led the People to conclude they could not meet their burden of proving Officer McKinley committed involuntary manslaughter beyond a reasonable doubt. Another possible forensic pathology expert who could testify on cause of death for the prosecution relied on Dr. Omalu for review, leaving no way to avoid calling Dr.

Omalu to the witness stand. But Dr. Omalu would more than likely have been impeached were the People to call him to testify in their case.

The People dismissed the involuntary manslaughter charge against Officer Eric McKinley on Friday, December 20, 2024, in Department 12, at the Rene C. Davidson Courthouse in Oakland.

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The Alameda County District Attorney's Office (ACDAO) is one of the largest prosecutor's offices in the State of California. Our office receives more than 40,000 cases presented by law enforcement for charging each year. The ACDAO has 9 locations, 150 Attorneys, 35 Victim-Witness Advocates, 75 Inspectors, and 130 Operations Staff Members who are committed to administering justice for every person who lives, works, or plays in Alameda County, no matter their race, gender, religion, sexual orientation, income, or zip code.