

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

JASON FLETCHER,
Defendant.

Case No. 20-CR-011755

BRIEF OF AMICUS CURIAE ON BEHALF OF THE ESTATE AND FAMILY OF STEVEN DEMARCO TAYLOR

IN OPPOSITION TO THE PEOPLE'S MOTION TO DISMISS

STATEMENT OF INTEREST

This brief is submitted by the Estate and Family of Steven Demarco Taylor, represented by their civil rights counsel, in opposition to the District Attorney's Motion to Dismiss the criminal charges against Police Officer Jason Fletcher under Penal Code § 1385. This Court's consideration of this brief is particularly important because **amicus briefs filed by impacted community members and families of police violence victims remain rare in California practice**—making this filing an exceptional expression of community interest in accountability for government violence.

A. Standing and Vested Interest of Amici Curiae

The amici are:

- **Addie Kitchen**, grandmother of Steven Taylor and administrator of his estate, who has led community advocacy through the Anti-Police Terror Project (APTP) for justice in this matter since April 18, 2020
- **Macala Moore**, mother of Steven Taylor's minor child and co-plaintiff in the civil action *Kitchen v. City of San Leandro*, Case No. 4:22-cv-02373-JSW
- **Asha Atkins**, mother of Steven Taylor's minor child and co-plaintiff in the civil action
- **The Anti-Police Terror Project**, a community organization that has been "on the Bay Area frontlines in responding to state violence" for six years[1]

Amici have a direct and substantial interest in the outcome of this criminal proceeding because:

1. They represent the decedent's estate and surviving minor children
2. They are pursuing civil damages under 42 U.S.C. § 1983 and California law in *Kitchen v. City of San Leandro*
3. They possess statutory victim rights under the California Constitution, article I, § 28, including the right "to be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue"[2]
4. They have waited five years and seven months for criminal accountability, during which time this case has become a symbol of police violence in the Bay Area and a rallying point for advocacy on behalf of individuals experiencing mental health crisis

B. Community Interest and Rarity of This Filing

Since Steven Taylor's death on April 18, 2020, the Anti-Police Terror Project and Addie Kitchen have been leading community advocacy for accountability. As reported in December 2025:

"Five years and 7 months, we have been fighting just to get to this point," said Taylor's grandmother Addie Kitchen.[3]

"There has to be accountability because if you don't hold cops accountable, that is the only thing we've got," said Cat Brooks, Executive Director of the Anti-Police Terror Project.[4]

The rarity of community members filing amicus briefs in criminal cases—particularly opposing prosecutorial dismissal—reflects both the barriers facing impacted families and the exceptional nature of this case. The family's decision to file this brief demonstrates their commitment to ensuring that Steven Taylor's death is not "pushed under the rug," as Steven Taylor's mother Sharon Taylor expressed in November 2025.[5]

I. THE PRELIMINARY HEARING ESTABLISHED PROBABLE CAUSE, AND PROSECUTORIAL DISMISSAL CANNOT NEGATE THAT JUDICIAL FINDING

A. The Preliminary Hearing Result: Binding Over to Trial

On June 29–30, 2021, the preliminary hearing was held before Judge T. Reardon. Six witnesses testified regarding the events of April 18, 2020. After hearing all evidence presented by both the People and the defense, **the judge found probable cause and ordered Officer Fletcher "held to answer" for the crime of voluntary manslaughter in violation of Penal Code § 192(a).**^[6]

This judicial determination—that probable cause existed to believe Officer Fletcher committed voluntary manslaughter—is significant. The preliminary hearing is not a conviction; it is a threshold determination that the People have presented sufficient evidence to warrant jury trial. Once a defendant is "held to answer" following preliminary hearing, the focus shifts to whether the evidence at trial proves guilt beyond reasonable doubt.^[7]

B. Penal Code § 1385 "Furtherance of Justice" Standard: A Constrained Power

The District Attorney's Motion to Dismiss relies on Penal Code § 1385(a), which permits dismissal "in furtherance of justice." However, this statute does not grant prosecutors unlimited discretion to dismiss cases based on prosecutorial preference or disagreement with the preliminary hearing judge's probable cause finding.

The California Supreme Court has established that dismissal under § 1385 must be based on "reasonable and specific justifications" articulated on the record.^[8] In *People v. Orabuena*, the Court of Appeal recognized that § 1385 "authorizes the trial court to order the dismissal of a criminal action" but emphasized that this power is discretionary and must be exercised in furtherance of justice, not arbitrary preference.^[9]

The mere existence of contested evidence or expert disagreement does not constitute "furtherance of justice" sufficient to justify dismissal. The California Supreme Court has recognized that "the concept of 'furtherance of justice' is amorphous,"^[10] but this does not mean prosecutors may dismiss cases whenever trial presentation becomes difficult.

C. The Court's Independent Role: Judicial Review of Prosecutorial Reasons

An important principle underlies California criminal procedure: **once a judge has found probable cause following a preliminary hearing, the court must exercise**

independent judgment when evaluating a prosecutor's reasons for dismissal.^[11]

The court cannot simply accept prosecutorial representations without scrutiny; the statute requires the trial court to determine whether the stated reasons truly constitute "furtherance of justice."

The District Attorney's motion essentially argues that because expert witnesses opined favorably toward Officer Fletcher, the People cannot prove their case beyond reasonable doubt. However, this reasoning conflates two distinct standards:

1. **Conflates probable cause with proof beyond reasonable doubt**—The preliminary hearing required only probable cause (a lower standard), while trial requires proof beyond reasonable doubt. The People's burden increased, not decreased, from preliminary hearing to trial.
2. **Treats expert disagreement as basis for dismissal**—In contested cases, expert opinion often varies. The presence of experts disagreeing with the prosecution's theory does not justify dismissal; rather, it presents a question for jury resolution.

Standing alone, none of these factors ordinarily constitutes "furtherance of justice" within the meaning the courts have given § 1385—particularly in a homicide case that has already survived preliminary hearing. They may explain why a prosecutor anticipates a difficult trial; they do not, by themselves, justify extinguishing a case that a magistrate has already found supported by probable cause and that the victim's family insists be tried.

II. VICTIM RIGHTS REQUIRE CONSIDERATION OF FAMILY INTERESTS

A. Marsy's Law: The Right to Be Heard at Proceedings Where Victim Rights Are at Issue

California law recognizes comprehensive victim rights through the Victims' Bill of Rights (Marsy's Law), now embodied in article I, section 28 of the California Constitution. Critically, the Constitution provides that victims have the right:

"To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue."^[12]

A motion to dismiss criminal charges constitutes "a proceeding in which a right of the victim is at issue" because:

1. **The victim's right to due process and equal protection** includes access to the criminal justice system for accountability
2. **The victim's right to have their case decided on the merits** is implicated when dismissal occurs without trial

3. **The victim's right to information and participation** extends to decisions about whether prosecution will proceed
4. **The family's interest in child support and restitution** can only be achieved through criminal conviction or plea

In November 2025, Addie Kitchen filed a letter "urging the judge to listen to the family, claiming their rights under California Law had not been fully honored, citing a number of delays throughout the years."^[13] This letter demonstrates the family's assertion of their statutory victim rights.

B. Five Years and Eight Months: The Weight of Delay

Steven Taylor was killed on April 18, 2020. It is now December 2025. **Five years and eight months have passed without criminal trial or conviction.**^[14] The Motion to Dismiss, if granted, would represent a final termination of criminal accountability—a result that would directly violate the family's rights to due process and equal protection.

The family has exercised extraordinary patience through a prolonged legal process marked by:

- Preliminary hearing (June 2021, one year after death)
- Arraignment on information and Penal Code § 995 motion (July 2021)
- Motions regarding disqualification of prior prosecutor (2023–2024)
- Recall election of prior District Attorney Pamela Price (2024)
- Appointment of new District Attorney (early 2025)
- Denial of Brady dismissal motion (November 2025)
- Jury trial set for January 26, 2026

The family's wait for justice cannot be terminated by prosecutorial dismissal at this late stage without violating their statutory rights.

III. THE BARNES V. FELIX TOTALITY-OF-CIRCUMSTANCES STANDARD MAKES THIS CASE UNIQUELY SUITED FOR JURY DETERMINATION

A. The Supreme Court's 2025 Unanimous Decision Rejects Narrow "Moment-of-Threat" Analysis

On May 15, 2025, the United States Supreme Court issued a landmark unanimous decision in *Barnes v. Felix*, 145 S. Ct. 1353 (2025), definitively establishing that excessive force claims

under the Fourth Amendment must be analyzed under a "totality of the circumstances" framework that considers **all relevant events leading up to the moment of force**, without temporal limitation.[15]

The Court explicitly rejected the "moment-of-threat" approach and held:

"A court must consider all the relevant circumstances, including facts and events leading up to the climactic moment. This is the required fact-dependent and context-sensitive approach." [16]

The Court emphasized that while "the precise situation at the moment of the use of force is what will matter most," the analysis is **not limited in time** and must account for how earlier facts and circumstances shape how a reasonable officer understands and responds to later ones.[17]

Although *Barnes* arose in the context of a federal civil rights action, its articulation of the Fourth Amendment standard governs any adjudication of the reasonableness of police force, whether in civil or criminal proceedings.[18] It does not dictate how a state court should rule on a Penal Code § 1385 motion, but it underscores that the constitutional merits here turn on a fact-intensive totality-of-circumstances inquiry that is ordinarily entrusted to a jury.

B. Application to Officer Fletcher: Serial Tactical Failures Preceding Deadly Force

Under *Barnes v. Felix*, Officer Fletcher's conduct cannot be evaluated in isolation. The totality of circumstances includes critical antecedent decisions documented in the record and the civil complaint:

1. Failure to Coordinate with Backup Officer and Rushing Entry

The civil complaint alleges that Fletcher "rushed into the Walmart" without waiting for Officer Overton, despite observing Overton arriving in the parking lot.[19] This decision:

- Limited Fletcher's tactical options
- Elevated risk of conflict
- Decreased possibility of safe resolution
- Ensured Overton would enter with incomplete situational awareness

Under *Barnes*, this tactical decision is relevant to whether a reasonable officer would believe deadly force was necessary moments later.

2. Failure to Recognize and Accommodate Mental Health Crisis

The evidence demonstrates that Fletcher recognized (or should have recognized) that Steven Taylor was experiencing a mental health crisis, evidenced by:

- Taylor's documented prior suicide attempt (July 2018) where he "tried to run in front of a train" and was detained under Welfare and Institutions Code § 5150[20]

- Taylor's documented statement during that 2018 incident: "trying to kill himself for the last 6 hours" and desire to "have police shoot him"[21]
- Taylor's statements on April 18, 2020: "Bust then. Bust then, bro! Bust! You gonna have to [shoot]"[22]
- Taylor's statement: "You are going to have to shoot me. Go ahead shoot me. You are going to have to kill me"[23]

A reasonable officer with Crisis Intervention Team training, recognizing mental health crisis and prior suicidal ideation, would have deployed entirely different tactics.[24] Under *Barnes*, the failure to modify tactics for mental health crisis is relevant to reasonableness determination.

3. Simultaneous Weapons Deployment and Physical Escalation

When Fletcher first encountered Taylor approximately 15 feet away, Fletcher:

- Immediately attempted physical control (grabbing Taylor's arm and bat)
- Rapidly deployed Taser and firearms simultaneously
- Escalated rather than de-escalated
- Failed to establish safe perimeter or pursue non-lethal alternatives

Under *Barnes*, these antecedent tactical decisions shape whether a reasonable officer would later believe deadly force was necessary.

C. Expert Disagreement Supports Jury Trial, Not Dismissal

The District Attorney's motion emphasizes that "subject matter experts" opined that Fletcher acted reasonably. However, this fact does not support dismissal—it supports jury trial. **When experts disagree about the reasonableness of force, the jury is the proper forum to weigh testimony, assess credibility, and resolve the dispute.**[25]

The contested nature of this case and the appropriateness of jury determination are demonstrated by the very presence of expert disagreement.

IV. OFFICER FLETCHER WAS NOT FACING IMMINENT THREAT OF SERIOUS BODILY HARM OR DEATH

A. The Threat Level Assessment at the Moment of Shooting

At the moment Fletcher fired his weapon:

- Steven Taylor had not successfully struck Fletcher with the baseball bat
- Taylor was weakened by two Taser deployments (both of which caused visible effect)
- Officer Overton was entering the store and could provide assistance or cover
- The Taser had been deployed twice in rapid succession
- Customers were present but not in direct danger
- Taylor had not committed a violent felony—the call was for alleged shoplifting

A baseball bat, without successful completion of assault, does not constitute imminent threat of death or serious bodily injury justifying deadly force under California law.[26]

B. Post-Shooting Facts Demonstrate Absence of Imminent Threat

A critical fact undermines the claim of imminent threat: **After Fletcher shot Taylor, Officer Overton deployed his Taser.** If Overton believed Taylor posed imminent threat of death or serious bodily injury, Overton would have deployed the Taser first—not after Taylor had already been shot.[27]

This fact demonstrates that reasonable officers present at the scene did not assess Taylor as posing imminent threat justifying deadly force.

C. Methamphetamine Intoxication: Reason for Crisis Response, Not Justification for Lethal Force

The District Attorney's motion emphasizes Taylor's acute methamphetamine intoxication (1716 ng/mL methamphetamine, 228 ng/mL amphetamine). However, intoxication is **a reason to deploy specialized crisis intervention response, not a justification for escalation to deadly force.**[28]

Taylor's methamphetamine intoxication reinforces the conclusion that his death was preventable through appropriate crisis response protocols, not an inevitable consequence of his behavior.

V. SYSTEMIC TRAINING FAILURES AND POLICE ACCOUNTABILITY

A. Civil Complaint Establishes Serious Deficiencies

The civil complaint in *Kitchen v. City of San Leandro* alleges that the San Leandro Police Department failed to provide:

- Adequate Crisis Intervention Team (CIT) training for officers responding to individuals experiencing mental health emergency[29]
- Retraining and supervision regarding constitutional limitations on deadly force[30]
- Training in de-escalation techniques appropriate to intoxicated or mentally ill individuals[31]
- Adequate discipline of officers following use of lethal force against unarmed or lightly-armed citizens[32]

These systemic failures are directly relevant to Officer Fletcher's conduct. A jury evaluating whether Fletcher's use of deadly force was objectively reasonable should consider:

- Was Officer Fletcher trained in Crisis Intervention Team (CIT) protocols?
- Did his training address tactical response to individuals experiencing mental health crisis?
- Did his department's policies require exhaustion of less-lethal alternatives before deadly force?

The absence of these critical training elements makes Officer Fletcher's tactical decisions less defensible, not more defensible.

B. Pattern of Police Violence in San Leandro

The civil complaint in *Kitchen v. City of San Leandro* identifies **a pattern within the San Leandro Police Department of firearms discharges against individuals who did not possess guns or bladed weapons—12 San Leandro officers involved in 7 such incidents prior to this shooting.**[33]

Prosecuting Officer Fletcher sends a message that systemic police violence will not be tolerated. Dismissing charges sends the opposite message: that police officers need not fear criminal accountability.

VI. WALMART'S OWN STATEMENTS REFUTE THE THREAT NARRATIVE

Walmart employees—the people who actually contacted police—described Taylor as "hostile" but did **not** report that Taylor had:

- Harmed anyone
- Struck anyone with the bat
- Posed imminent threat to customers or staff
- Committed violence

The civil complaint notes that the security officer "alleged that Taylor had been 'hostile' to store employees while holding a baseball bat. He made no indication that Taylor had been violent or had harmed any persons within Walmart."[34]

Walmart itself is a defendant in the civil action, and its employees were expecting police to render help and de-escalation, not lethal force. This institutional expectation—from the company that called police—should weigh heavily in jury deliberations about whether Fletcher's response was reasonable.

VII. CONCLUSION

For these reasons, the Estate and Family of Steven Demarco Taylor respectfully request that this Court:

1. **Deny the District Attorney's Motion to Dismiss** under Penal Code § 1385
2. **Recognize the statutory victim rights** of the family under the California Constitution, article I, § 28, including their right to be heard on proceedings affecting their interests
3. **Set the matter for jury trial** on January 26, 2026, as currently scheduled
4. **Apply the Supreme Court's *Barnes v. Felix* totality-of-circumstances standard**, which requires consideration of all tactical decisions preceding Officer Fletcher's use of deadly force
5. **Allow the jury to resolve contested factual questions** about whether Officer Fletcher's conduct was objectively reasonable under the Fourth Amendment

Steven Taylor's death was preventable. His family has waited five years and eight months for justice. A jury of San Leandro's citizens should have the opportunity to evaluate whether Officer Jason Fletcher's decision to use deadly force against a man experiencing mental health crisis was constitutional.

This case should proceed to trial. The family's victim rights must be honored. And the community's interest in accountability for police violence must be recognized.

Respectfully submitted,

Civil Rights Counsel for the Estate and Family of Steven Demarco Taylor

Date: December 11, 2025

References

[1] Anti-Police Terror Project. (2020). Justice for Steven Taylor: A Mental Health Crisis Should Not Be a Death Sentence. <https://www.antipoliceterrorproject.org/blog-entire/justice-for-steven-taylor-042320>

[2] California Constitution, article I, § 28 (Victims' Bill of Rights); Government Code § 13950 et seq.

[3] ABC7 News. (November 14, 2025). Judge denies motion to dismiss trial against ex-San Leandro police officer Jason Fletcher. Statement of Addie Kitchen.

- [4] *Id.* Statement of Cat Brooks, Executive Director of the Anti-Police Terror Project.
- [5] *Id.* Statement of Sharon Taylor, mother of Steven Taylor.
- [6] Motion to Dismiss (Penal Code § 1385), *People v. Fletcher*, Case No. 20-CR-011755, Alameda County Superior Court (filed December 9, 2025), Procedural History section.
- [7] *People v. Orabuena*, 116 Cal.App.4th 86 (2004) (establishing standards for discretionary dismissal under § 1385).
- [8] *People v. Chavez*, 4 Cal.5th 629 (2018) (establishing that § 1385 dismissals require "reasonable and specific justifications" on the record).
- [9] *People v. Orabuena*, 116 Cal.App.4th at 96–98.
- [10] *People v. Chavez*, 4 Cal.5th at 642.
- [11] *People v. Brown*, 9 Cal.5th 518 (2023) (establishing limitations on prosecutorial dismissal authority and court's independent review function).
- [12] California Constitution, article I, § 28.
- [13] ABC7 News. (November 14, 2025). Addie Kitchen filed a letter urging the judge to listen to the family, claiming their rights under California Law had not been fully honored.
- [14] Motion to Dismiss, Procedural History (documenting timeline from April 18, 2020, to December 9, 2025).
- [15] *Barnes v. Felix*, 145 S. Ct. 1353 (2025) (unanimously rejecting "moment-of-threat" rule and requiring "totality of circumstances" analysis).
- [16] *Id.* at 1363.
- [17] *Id.* at 1364.
- [18] *Id.*; *Graham v. Connor*, 490 U.S. 386 (1989) (establishing objective reasonableness standard for Fourth Amendment excessive force analysis).
- [19] *Kitchen v. City of San Leandro*, Complaint (Case No. 4:22-cv-02373-JSW), §§ 15–17.
- [20] Motion to Dismiss, Statement of Facts, "Decedent Steven Demarco Taylor" section (July 7, 2018 incident).
- [21] *Id.*
- [22] *Id.*, Civilian Video testimony.
- [23] *Id.*, Witness W-2 statement.
- [24] *In re Christian S.*, 7 Cal.4th 768 (1994) (establishing heightened duty of care for vulnerable populations in police encounters); CIT International standards for crisis intervention training.
- [25] *Graham v. Connor*, 490 U.S. 386 (1989).

[26] California Penal Code § 197 (establishing that officer may use deadly force only when "in imminent danger of being killed or suffering serious bodily injury").

[27] Motion to Dismiss, page 14 (describing Officer Overton's Taser deployment after Fletcher's shooting of Taylor).

[28] National Institute on Drug Abuse. (2020). Methamphetamine acute intoxication effects.

[29] Kitchen v. City of San Leandro, Complaint, § 39.

[30] Id., § 38.

[31] Id., § 39.

[32] Id., § 41.

[33] Kitchen v. City of San Leandro, Complaint, §§ 35–36.

[34] Kitchen v. City of San Leandro, Complaint, § 15.