

Death Squad In Delaware

The Case Of The Murdered Marine

By William Norman Grigg

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He survived Iraq, only to suffer Death By Government in the "Land of the Free": Sgt. Derek J. Hale, USMC, ret. ~ RIP

Delaware was the first state to ratify the U.S. Constitution. It may be the first state to be afflicted with a fully operational death squad unless a civil lawsuit filed on Friday against the murders of Derek J. Hale results in criminal charges and a complete lustration (in the Eastern European sense of the term) of Delaware's law enforcement establishment.

Hale, a retired Marine Sergeant who served two tours in Iraq and was decorated before his combat-related medical discharge in January 2006, was murdered by a heavily armed 812-member undercover police team in Wilmington, Delaware last November 6. He had come to Wilmington from his home in Manassas, Virginia to participate in a Toys for Tots event.

Derek was house-sitting for a friend on the day he was murdered. Sandra Lopez, the ex-wife of Derek's friend, arrived with an 11-year-old son and a 6-year-old daughter just shortly before the police showed up. After helping Sandra and her children remove some of their personal belongings, Derek was sitting placidly on the front step, clad in jeans and a hooded sweatshirt, when an unmarked police car and a blacked-out SUV arrived and disgorged their murderous cargo.

Unknown to Derek, he had been under police surveillance as part of a ginned-up investigation into the Pagan Motorcycle Club, which he had joined several months before; the Pagans sponsored the "Toys for Tots Run" that had brought Derek to Delaware. As with any biker club, the Pagans probably included some disreputable people in their ranks. Derek was emphatically not one of them.

In addition to his honorable military service (albeit in a consummately

dishonorable war), Derek's personal background was antiseptically clean. He had a concealed carry permit in Virginia, which would not have been issued to him if he'd been convicted of a felony, a narcotics or domestic violence charge, or had any record of substance abuse or mental illness.

On the day he was killed, Derek had been under both physical and electronic (and, according to the civil complaint, illegal) surveillance. Police personnel who observed him knew that his behavior was completely innocuous. And despite the fact that he had done nothing to warrant such treatment, he was considered an "un-indicted co-conspirator" in a purported narcotics ring run by the Pagans.

The police vehicles screeched to a halt in front of the house shortly after 4:00 p.m. They ordered Lopez and her children away from Derek who, predictably, had risen to his feet by this time and then ordered him to remove his hands from his the pockets of his sweatshirt.



Derek Hale

Tasered three times, man is then shot

The graphic below is based on witnesses' accounts of the shooting of Derek J. Hale by Wilmington police around 4 p.m. Nov. 6. Hale was sitting on the steps with his hands in the front pockets of his hooded sweat shirt at 1403 W. Sixth St. talking to a woman and two children when police arrived. The incident lasted two to three minutes, witnesses said.



1 Police arrive
A black SUV driving the wrong way down West Sixth Street and a white unmarked police car driving the other way pull up in front of the house. Police exit the vehicles and rush toward the front porch.

2 Police warning
At least six policemen surround Hale while he is sitting on the steps. They order him to take his hands out of his hooded sweat-shirt pockets.

3 Bystanders
The woman and two children are ordered by police to move.

4 Taser is fired
(see details at right)

The confrontation



First Taser
Police order Hale to remove his hands from his pockets, and then Taser him. His right hand comes out of his sweat shirt. His body is visibly shaking.



Second Taser
Police issue another verbal warning for him to show his hands. This is followed by another Taser discharge. Hale slumps over, falling onto his left side, and vomits.



Third Taser
Hale rights himself back into a sitting position, while still shaking from the electric shocks. Hale is Tasered a third time.



Fatally shot
Still receiving electric shocks, Hale's right arm shakes violently, clearly visible. Some witnesses also see his left hand. Hale leans forward and is shot in the chest three times by .40-caliber rounds.



Hale falls dead
Hale falls forward, down seven steps – a distance of approximately six feet – falling headfirst onto the sidewalk.

How the modern Taser gun works



- 1: The gun uses compressed nitrogen to project two small barbed probes. The top probe hits where the gun is pointed, the second probe slightly lower.
- 2: The probes are connected to high-voltage insulated wires that deliver jolts of electricity, making the suspect's muscles contract and overwhelming his nervous system.

Maximum range: 21 feet

Less than a second later according to several eyewitnesses at the scene Derek was hit with a taser blast that knocked him sideways and sent him into convulsions. His right hand involuntarily shot out of its pocket, clenching spasmodically.

"Not in front of the kids," Derek gasped, as he tried to force his body to cooperate. "Get the kids out of here."

The officers continued to order Derek to put up his hands; he was physically unable to comply.

So they tased him again. This time he was driven to his side and vomited into a nearby flower bed.

Howard Mixon, a contractor who had been working nearby, couldn't abide the spectacle.

"That's not necessary!" he bellowed at the assailants. "That's overkill! That's overkill!"

At this point, one of the heroes in blue (or, in this case, black) swaggered over to Mixon and snarled, "I'll f*****g show you overkill!" Having heroically shut up an unarmed civilian, the officer turned his attention back to Derek who was being tased yet again.

"I'm trying to get my hands out," Derek exclaimed, desperately trying to make his tortured and traumatized body obey his will. Horrified, his friend Sandra screamed at the officers: "He is trying to get his hands out, he cannot get his hands out!"

Having established that Derek an innocent man who had survived two tours of duty in Iraq was defenseless, one of Wilmington's Finest closed in for the kill.

Lt. William Brown of the Wilmington Police Department, who was close enough to seize and handcuff the helpless victim, instead shot him in the chest at point-blank range, tearing apart his vitals with three .40-caliber rounds. He did this after Derek had said, repeatedly and explicitly, that he was trying to cooperate. He did this despite the fact that witnesses on the scene had confirmed that Derek was trying to cooperate. He did this in front of a traumatized mother and two horrified children.

Why was this done?

According to Sgt. Steven Elliot of the WPD, Brown slaughtered Derek Hale because he "feared for the safety of his fellow officers and believed that the suspect was in a position to pose an imminent threat." That subjective belief was sufficient justification to use "deadly force," according to Sgt. Elliot.

The "position" Derek was in, remember, was that of wallowing helplessly in his own vomit, trying to overcome the cumulative effects of three completely unjustified Taser attacks.

When asked by the Wilmington News Journal last week if Hale had

ever threatened the officers remember, there were at least 8 and as many as 12 of them Elliot replied: "In a sense, [he threatened the officers] when he did not comply with their commands."

He wasn't given a chance to comply: He was hit with the first Taser strike less than a second after he was commanded to remove his hands from his pockets, and then two more in rapid succession. The killing took roughly three minutes.

As is always the case when agents of the State murder an innocent person, the WPD immediately went into cover-up mode. The initial account of the police murder claimed that Derek had "struggled with undercover Wilmington vice officers"; that "struggle," of course, referred to Derek's involuntary reaction to multiple, unjustified Taser strikes.

The account likewise mentioned that police recovered "two items that were considered weapons" from Derek's body. Neither was a firearm. One was a container of pepper spray. The other was a switchblade knife. Both were most likely planted on the murder victim: The police on the scene had pepper spray, and Derek's stepbrother, Missouri resident Jason Singleton, insists that Derek never carried a switchblade.

"The last time I saw Derek," Jason told the News Journal, "he had a small Swiss Army knife. I've never seen Derek with anything like a switchblade."

Within hours, the WPD began to fabricate a back-story to justify Derek's murder. Several Delaware State Police officers identified in the suit (.pdf) as "Lt. [Patrick] Ogden, Sgt. Randall Hunt, and other individual DSP [personnel]" contacted the police in Masassas, Virginia and informed him that Derek had been charged with drug trafficking two days before he was murdered. This was untrue. But because it was said by someone invested with the majestic power of the State, it was accepted as true, and cited in a sworn affidavit to secure a warrant to search Derek's home.

Conducting this spurious search which was, remember, play-acting in the service of a cover story meant shoving aside Derek's grieving widow, Elaine, and her two shattered children, who had just lost their stepfather. Nothing of material consequence was found, but a useful bit of embroidery was added to the cover story.

Less than two weeks earlier, Derek and Elaine had celebrated their first anniversary.

The Delaware State Police officer is guilty of misprision of perjury, as are the officials who collaborated in this deception. And it's entirely likely that the Virginia State Police had guilty knowledge as well.

Last November 21, in an attempt to pre-empt public outrage, the

highest officials of the Delaware State Police issued a press release in conjunction with their counterparts from Virginia. The statement is a work of unalloyed mendacity.

"Hale resisted arrest and was shot and killed by Wilmington Police on November 6, 2006," lied the signatories with reference to the claim that he "resisted." "Hale was at the center of a long term narcotics trafficking investigation which is still ongoing."

As we've seen, Hale did not resist arrest, as everyone on the scene knew. And he was not at the "center" of any investigation; before his posthumous promotion to "un-indicted co-conspirator," he was merely a "person of interest" because of his affiliation with a motorcycle club.

Most critically, the statement which bears the august imprimatur of both the Delaware and Virginia State Police departments, remember asserts: "Both [State Police] Superintendents have confirmed that there was never any false information exchanged by either agency in the investigation of Derek J. Hale, or transmitted between the agencies in order to obtain the search warrant."

This was another lie.

"Delaware State Police spokesperson Sgt. Melissa Zebley conceded last week that no arrest warrant for Hale was ever issued," reported the News Journal on March 22. Three days after Hale was murdered, police arrested 12 members of the Pagans Motorcycle Club on various drug and weapons charges, but identified Hale at that point only as a "person of interest."

Last Friday (May 23), the Rutherford Institute one of the precious few nominally conservative activist groups that gives half a damn about individual liberty and a private law firm in Virginia filed a civil rights lawsuit against several Delaware law enforcement and political officials on behalf of Derek's widow and parents. They really should consider including key officials from the Virginia State Police in the suit, as well.



Those who persist in fetishizing local police who are, at this point, merely local franchises of a unitary, militarized, Homeland Security apparatus should ponder this atrocity long and hard.

They should contemplate not only the inexplicable eagerness of Lt. William Brown to kill a helpless, paralyzed pseudo-suspect, but also the practiced ease with which the police establishments of two states collaborated in confecting a fiction to cover up that crime.

According to the lawsuit, Lt. Brown, Derek's murderer, "has violated the constitutional rights of others in the past through the improper use of deadly force and has coached other WPD officers on how to lie about and/or justify the improper use of deadly force." Rather than being cashiered, Brown was promoted just as one would expect of any other dishonest, cowardly thug in the service of any other Third World death squad.

Derek J. Hale survived two tours of duty in Iraq, a country teeming with Pentagon-trained death squads, only to be murdered by their home-grown equivalent.

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William Norman Grigg [send him mail] writes the Pro Libertate blog.

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