

1 [Urging the retrial of the Gwen Araujo murder and hate crime case.]

2
3 **Resolution urging the Alameda County District Attorney to; (1) recharge all defendants**
4 **in the murder and hate crime of Gwen Araujo, and (2) offer a motion limiting any**
5 **questioning or evidence concerning a "transpanic" defense, and (3) urge the Alameda**
6 **County District Attorney to collaborate with the LGBT legal organizations to assist in**
7 **writing any supporting legal motions for the District Attorney to prosecute this case.**

8
9 WHEREAS, Gwen Amber Rose Araujo (1985 - 2002) was a transgender American
10 teenager who was killed at a party by a group of transphobic men upon discovery of her
11 transgender status; and

12 WHEREAS, Judge Harry Sheppard declared a mistrial in the trial of three men accused
13 of killing Gwen Araujo after the jury foreman informed Judge Sheppard that the panel of eight
14 men and four women could not agree whether to convict the men of first-degree murder; and

15 WHEREAS, the panel had been deliberating for the better part of 10 days after the
16 defense for the accused had argued that the defendants had "gay panic" when they murdered
17 Gwen and that she had "deceived" them about her gender; and therefore be it

18 RESOLVED, that the City and County of San Francisco, does hereby urge the
19 Alameda County District Attorney to recharge all defendants in the murder and hate crime of
20 Gwen Araujo; and be it

21 FURTHER RESOLVED, that the City and County of San Francisco does hereby urge
22 the Alameda County District Attorney to aggressively resist any defense efforts to improperly
23 exploit Gwen Araujo's transgender status and to bring any legal motions consistent with
24 California law to counter the defendants' admitted transphobia; and be it

1 ~~FURTHER RESOLVED, that the City and County of San Francisco, does hereby urge~~
2 ~~the Alameda County District Attorney to offer a motion limiting any questioning or evidence~~
3 ~~concerning a "transpanic" defense; and be it~~

4 FURTHER RESOLVED, that that the City and County of San Francisco, does hereby
5 urge the Alameda County District Attorney to collaborate with the LGBT legal organizations to
6 assist in writing any supporting legal motions for the District Attorney to prosecute this case.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 040926

Date Passed:

Resolution urging the Alameda County District Attorney to; (1) recharge all defendants in the murder and hate crime of Gwen Araujo, and (2) offer a motion limiting any questioning or evidence concerning a "transpanic" defense, and (3) urge the Alameda County District Attorney to collaborate with the LGBT legal organizations to assist in writing any supporting legal motions for the District Attorney to prosecute this case.

June 29, 2004 Board of Supervisors — REFERRED

June 29, 2004 Board of Supervisors — AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Peskin

Absent: 1 - Sandoval

June 29, 2004 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Peskin

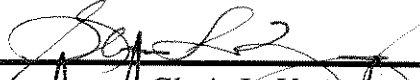
Absent: 1 - Sandoval

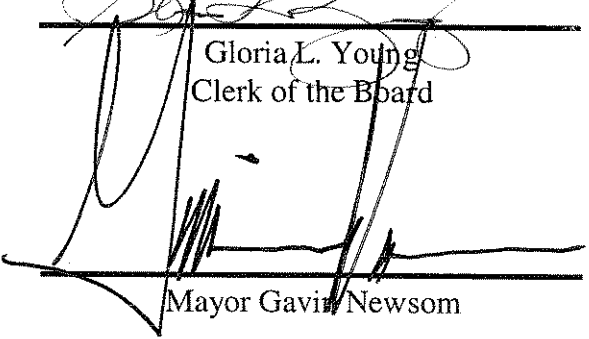
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I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on June 29, 2004 by the Board of Supervisors of the City and County of San Francisco.

JUL 08 2004

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom