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Jury deliberates cop-shooting case; Did defendant mean to kill PHA officer?

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Full Text (500 words)

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The big question facing jurors in the trial of a teen accused of shooting and wounding a Philadelphia Housing Authority police officer is: Did he attempt to murder the officer that night?

Jurors deliberated for five hours without reaching a verdict before being released last night by Common Pleas Judge Gwendolyn Bright. They twice asked for an attempted-murder charge to be redefined.

Defendant Zahir Boddy-Johnson, 18, is charged with attempted murder, aggravated assault and carrying a firearm in the Feb. 17, 2008, shooting of PHA officer Craig Kelley, who was shot inside his security booth at the Queen Lane Apartments high-rise on Queen Lane near Pulaski Street in Germantown.

Defense attorney Mike Parkinson repeatedly told jurors in his closing argument yesterday that while he concedes that his client shot Kelley, he did not intend to kill him. Referring to his client's police statement, Parkinson said, "What you heard was a botched robbery. . . . Nowhere in that statement did he say he intended to kill."

Parkinson painted his client as a "scared" youth who fired the rifle in reaction to the officer's closing the security-door booth on him. The teen said in his statement that as Kelley "tried to close the door, the gun went off," Parkinson said.

Parkinson also contended that after the door was shut, his client shot twice at the security-booth window because he thought the officer "was going to shoot at me," again reading words from his client's statement.

Assistant District Attorney Deborah Cooper Nixon told jurors, however, that Boddy-Johnson knew how powerful the SKS assault rifle because he had bought it about a month before the shooting and had practiced firing it in a park near his home on Diamond Street near 25th.

About 10 p.m. that Feb. 17, Kelley opened his booth door after hearing a knock. He was faced with the muzzle of the rifle.

"Nothing prepares you for that moment," Nixon said. "In that instant, he [Kelley] heard the words, 'Don't move!' and before he could shut the door . . . 'Pow!,' " she said, as she held her arms up facing the jury, as if holding a rifle and pulling the trigger.

Nixon disputed the defense's contention that Boddy-Johnson fired in reaction to Kelley's closing the door, contending instead that the teen first fired before Kelley had the chance to try to close the door.

She also disputed the defense's contention that Boddy-Johnson thought Kelley was going to shoot at him, noting that Kelley had fallen to the ground after being shot.

Kelley was shot in the left side of his abdomen. The bullet tore through his bulletproof vest.

As Nixon spoke standing in front of the jury, the panel could see the SKS rifle on the prosecutors' table in an open carrying bag. Nixon told jurors that if they believe that a deadly weapon was used on a vital part of the body, they could infer a specific intent to kill. *

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