

## **Killer or Artist? Why Rap is on Trial (12.4)**

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When Laz Tha Boy threatens to murder someone with an AK-47, it may seem scary. He proudly mimes shooting handguns towards the camera in his videos and promises to "leave a ... face burgundy," when he is finished killing. But he says, it's an act.

Deandre Mitchell is from Richmond, Calif., and Laz Tha Boy is his hip-hop rap music persona. Although he says he writes many different types of rap music, he has found local success in the Northern California area as a gangsta rapper.

"It was just a way for me to express myself and be able to show the world that I [could] do something else. Try to give the people around me the motivation to say we could come from nothing," said Mitchell to Reason TV behind a pane of glass at the Martinez Detention Facility in Martinez, California.

Three of Mitchell's rap videos (What You Do It Fo, It's Real and Southside Richmond) became evidence used against him in a 2012 grand jury proceeding in which he was indicted on two counts of attempted murder, stemming from two shootings in Antioch, Calif. His case is like a lot of other cases springing up around the United States featuring aspiring rappers who are having their violent rap lyrics used against them. But nowhere is this phenomenon more prevalent than in one of gangster rap music's birthplace, California, where prosecutors aggressively prosecute gangs.

"It's supposed to be freedom of speech. So when I use my freedom of speech and voice my opinion then you all turn around and try and use it against me like this is who I am as a person," says Mitchell.

Even though the videos were made years earlier and didn't include specific references to the theSatish Jallepalli presented the evidence against Deandre Mitchell. shootings at the heart of the indictment, Satish Jallepalli, a prosecutor with the Contra Costa County District Attorney's Office, said the videos illustrate Mitchell had the mindset to commit such crimes and did so to benefit Deep C, a criminal street gang in Richmond.

"At the end of the day, yes a person has a First Amendment right to speak, but when they they commit a crime, sometimes what they say will end up being used against them," says Jallepalli.

Since a grand jury proceeding is secret the only way we can understand what was presented is through transcripts of the proceeding ([Read an excerpt here](#)). In the grand

jury proceeding Jallepalli pointed to Mitchell's violent references to murder and AK-47s with lyrics like, "If I see him I'm gonna murk em" and "When that K-ter starts sparking it get to jumpin but I'm a grip em." This was supposed to illustrate Mitchell's character but Jallepalli did not provide context for the lyrics as artistic convention.

"The term murk, rappers use all of the time," says Charis Kurbrin, an associate professor of criminology, law and society at the University of California, Irvine. "If it's not murk, it's 'I'm gonna smoke him', 'I'm going to pop a cap in him', 'I'm going to blaze him'." Kurbrin is the co-author of the paper "Rap on Trial" in the journal Race and Justice that details the history and scope of rap music used in criminal proceedings. She says prosecutors end up using rap lyrics and videos as evidence because they know the scary effect they will have on jurors.

"If you think about who is serving in our jury system in the United States, it's typically older, higher socioeconomic status, typically white. They often don't have the proper context for understanding rap music," says Kubrin.

In addition to word play, metaphor, and inverting meaning, rappers throughout hip-hop's history from Snoop Dogg to Eminem have fashioned characters as the vehicle for their violent lyrics.

"Deandre is the family man, I have two kids and everything. But when I do music, I build my character to be Laz Tha Boy," says Mitchell. "If you get around me and really understand me and see what is going on you see really it's just an image, it's not who I am."

Deandre Mitchell photo Mitchell's lawyer, John Hamasaki, says the use of these rap videos and lyrics have a prejudicial effect on the young black males that make up the majority of these types of cases. "I think that the effect that it has on jurors [...] perpetuates certain myths and stereotypes that are portrayed by the news media of young African American males being involved in criminal activity," says Hamasaki.

Jallepalli, disagrees saying, "The overwhelming majority of victims of gun violence in gang related cases often tend to be young minorities, whether African American or Hispanic."

Kubrin points out that this tactic of using rap lyrics in criminal proceedings has been going on since the 1990s but there has been a rise in their use lately because prosecutors have shared how successful the tactic can be with each other. Back in 2004, Alan Jackson, a former gang prosecutor in Los Angeles, wrote a guide for prosecutors for the American Prosecutor's Research Institute saying "through photographs, letters, notes, and even music lyrics, prosecutors can invade and exploit the defendant's true personality."

"You have to find a way to transport the jury to those dark streets and back alleyways where the crimes occur and the criminals ply their trade," says Jackson but offers the

caveat that a prosecution should never solely be built on rap music lyrics—traditional evidence must accompany it.

Hamasaki says the use of these rap videos and lyrics in the Mitchell indictment may have blinded jurors from looking at the lack of physical evidence presented. In fact, the eyewitness testimony of the victim who said Mitchell was involved in both attempts on his life ended up to be based on street rumors.

While the victim told grand jurors that he saw Mitchell at both shootings, he also told Antioch police in a taped interview that what he knew was based on rumors he had heard around Richmond (View two pages of the interview). He signed a declaration in August 2014, saying "I never saw Deandre Mitchell during either of the shootings" and my previous statements about Mitchell were just "based on rumors I had heard in Richmond."