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Acquittal in Ephraim Brown murder case

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The gang members who killed an 11-year-old boy in their brazen hail of gunfire got away with murder.

Whoever they may be, those murderers walk free, safely assured that no witness from that outdoor birthday party will ever again have the courage to stand tall and tell police what they saw July 22, 2007.

Such is the frightening legacy of Monday's not guilty verdict for Akiel

Eubank and Gregory Sappleton, the 24-year-old men acquitted of second-degree murder in what the Crown had argued was a gang shootout that caught Ephraim Brown in the crossfire.

After deliberating for two and a half days, the 11-member jury entered the tense courtroom after the lunch break and said they didn't believe beyond a reasonable doubt that Eubank, an admitted gang member of the Five Point Generalz and Sappleton, an alleged member of the Baghdad Crew, were the shooters who hit Ephraim in the neck with a stray bullet three years ago.

And who can really blame the jurors?

Despite it being a crowded barbecue for two 18-year-old girls who lived in the public housing complex on Sheppard Ave. W. near Jane St., just one single, solitary eyewitness came forward to identify the gunmen.

She was Kishauna Thomas, Ephraim's cousin and one of the girls celebrating her birthday that night, and for breaking the code of silence that strangles her community, she was threatened and ostracized in her neighbourhood, intimidated in court and left so rattled that the defence was successfully able to paint her inconsistencies as lying.

So who would ever step forward again? Why would anybody dare risk that kind of treatment to take on the gang members who operate in these neighbourhoods with such impunity?

Given their freedom, the alleged enemies threw their arms around each other and wept in relief. Their steadfast mothers added their tears of joy. Their lawyers congratulated each other.

While from the opposite end of the courtroom, a piercing scream from Ephraim's distraught aunt, Nicole Brown: "You baby murderers" before she was hastily ushered away.

For Lorna Brown, who religiously attended court every day for two months, it seemed she was reliving her son's death all over again.

As the stunning verdict was read, with one of the jurors unable to meet anyone's eyes, she slumped forward in her seat and began to cry uncontrollably. As the acquitted men's families cheered, Ephraim's sister Camisha stormed out of the courtroom: "My brother's in a grave and they get to touch their parents? I never get to touch my brother again," she yelled in the corridor. "They're setting them free to kill again."

After meeting with the devastated Crown attorneys and homicide detectives, Ephraim's traumatized family emerged to the waiting media outside.

"The justice system is one screwed up justice system," cried Lorna Brown, each word almost swallowed by her sobs. "My 11-year-old boy," she gasped. "And they get acquitted? It's not right."

Ephraim's aunts railed against the fear and intimidation that scuttled the case.

"I'm telling you my niece didn't lie," Ingrid Osborne said of the Crown's discredited star witness. "She's the only one who stood up for her cousin and they knocked her down."

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Defence attorneys Edward Sapiano, Adam Newman and Leora Shemesh accused Thomas of fabricating her story of seeing Sappleton and Eubank shooting at each other through a small tunnel that bisected the townhouse complex. No one else said they saw gunfire there or identified the shooters.

"The reasons witnesses didn't come forward is because they felt threatened," insisted Nicole Brown. "You can go around and kill. There were witnesses who wanted to come forward but they were threatened with their lives."

They have no sympathy for those who remain silent, not when their nephew's murder goes unpunished.

"All you cowards who know the truth and did not step up, there's no forgiveness for that," screamed Molly Brown. "You should have spoke up for Ephraim."

There were at least four shooters that night, if not more, but no one will pay the price for killing that innocent child.

And what a terrifying message that is to the many gunslingers out there — that they can treat our streets like the wild west with little to fear.

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