

\$900,000 payout likely for man wrongly convicted of 2008 murder in San Francisco's North Beach

Key evidence was withheld in the murder case against Charles Heard, resulting in his conviction being vacated.

The San Francisco Superior Court Hall of Justice is located at 850 Bryant in San Francisco. | Source: Camille Cohen/The Standard

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A San Francisco man wrongly [convicted of murder \(opens in new tab\)](#) for a North Beach slaying could receive a \$900,000 settlement from the city if a court agreement is finalized, according to attorneys involved in the matter. Charles “Cheese” Heard, now 39, was convicted in 2010 of taking part in the fatal shooting of 29-year-old Richard Barrett outside of a nightclub on the corner of Broadway and Kearny Street in the early morning hours of Nov. 25, 2008.

Barrett was killed when two men tried to rob him of his necklace. When he resisted and ran, he was gunned down, according to appeals court documents.

Heard’s civil attorney said he was happy with what his client might receive from the city but would not give more details, as the settlement is not final. “I’m happy my client got compensation for being wronged,” Heard’s civil litigation attorney, Stanley Goff, said.

Any legal settlements must be finalized by the city before any checks are paid. Heard remains in federal prison in Texas on a life sentence related to a [separate conviction in 2018 for two other killings \(opens in new tab\)](#) that occurred in 2008 and were linked to gang activity in San Francisco’s Western Addition.

The District Attorney's Office did not respond to requests for comment. But the City Attorney's Office said in a statement: "We believe the proposed settlement is an appropriate resolution given the inherent costs of continued litigation."

At the 2010 trial, San Francisco police and prosecutors used an eyewitness to identify Heard as the shooter and put him in the area using surveillance video and cell tower data, according to his then-defense attorney, Eric Safire.

At trial, one witness testified that she could identify Heard at the scene even though another eyewitness disagreed, according to court documents.

The video introduced at the trial showed the faces of two male suspects after the incident, which the prosecutor, Michael Swart, said included Heard.

One of the two men in the video had gold teeth, as did Heard, and prosecutors also claimed that further identified him.

Heard's initial attorney, Safire, said he always maintained that his client was not the man with the gold teeth in the video. In fact, when he [attempted to bring a number of men into court\(opens in new tab\)](#) to prove that there were many people in San Francisco with gold teeth, he was accused of trying to intimidate a witness and those men were arrested, he said.

The conviction was eventually overturned in 2020, when it was discovered that San Francisco Gang Task Force officers and prosecutors had disagreed on whether Heard was in the video captured at the scene. But that disagreement was never shared with Heard's defense, according to Heard's federal defense attorney, Mark Vermeulen, who also was his appeal lawyer.

Damon Jackson, an SFPD gang expert who worked on Heard's case, testified in Heard's 2018 federal case that he knew Heard well and that he was not either of the men in the 2008 surveillance video.

Jackson subsequently testified that there was a meeting at the DA's Office before the 2010 trial where police and prosecutors disputed who was in the video in that meeting.

"If the government is fabricating ... evidence that would exonerate someone, our whole system is worthless," Safire said. "There should be disciplinary action against all of these police officers."

Heard's mother, Tina Heard, says the settlement amount—if it's paid out—can't give her son back the years he has spent in prison after his initial arrest.

“I don’t know how they came to that agreement,” she said, “but I don’t feel like that is even enough for what we all went through.”