

Man sentenced for 2008 North Beach murder

By ABC7

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A jury found Charles "Cheese" Heard, 26, of San Francisco, guilty of first-degree murder and attempted robbery on July 1 in connection with the fatal shooting of 29-year-old Richard Barrett outside the Fuse bar early on the morning of Nov. 25, 2008.

Police said two men tried to steal Barrett's jewel-encrusted necklace depicting the Flintstones character "Bamm-Bamm," and when Barrett resisted and ran, he was shot twice in the back.

Prosecutors argued that Heard, who they alleged is a member of a Western Addition gang, had a penchant for stealing expensive jewelry. He was arrested for Barrett's killing while on parole in July 2009.

Barrett's family and friends attended this morning's hearing in court.

His mother, Laura Barrett, told Judge Jerome Benson that she could not explain how deeply her first-born son's death had affected her.

"Richard's murder took everything from me," she said. Barrett's family described him as a warm and loving father with a big smile and an infectious laugh.

When Barrett purchased the pendant, his mother warned him it might stand out.

"I told him to be careful," she said. "It caught a little too much attention...people rob for nothing."

Barrett's young daughter Giselle also addressed the judge.

"My dad was a great man with a good heart, and he definitely didn't deserve this," she said.

"I miss his smile the most," she added, before she was overcome with tears.

Addressing Barrett's mother in court, Heard denied responsibility for the crime.

"I cannot apologize to her for a crime that I did not commit," he said.

Heard's attorney Eric Safire had argued that Heard was misidentified by an eyewitness to the shooting. The woman had testified that she was certain Heard was the shooter, and recognized him by a gold tooth.

Safire told Benson today that although Barrett's murder was "a horrible tragedy...the only tragedy that comes close is the results of this case."

"It shows that the system sometimes does not work," Safire said.

Safire had argued in a motion for a new trial, which Benson denied on Dec. 23, that Benson had been incorrect in re-instructing the jury during their deliberations with a theory that Heard could be convicted of murder for aiding and abetting the robbery, and not as the shooter. Safire argued that the prosecution had claimed all along that Heard was the shooter.

The jury found an allegation that Heard had used a firearm in the murder to be not true, indicating at least some jurors believed he had not pulled the trigger.

"He did not shoot this man in the back," Safire said today.

Prosecutor Michael Swart acknowledged that his theory had been that Heard was the shooter, but said that just because the jury could not unanimously agree beyond a reasonable doubt that Heard had used a firearm, did not mean he did not fire the shots.

Swart added that it was a further tragedy "that Mr. Heard will not take responsibility for his actions."

Benson sentenced Heard to 25 years to life in state prison for the murder, but stayed a sentence on the attempted robbery charge.

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