



# EXTRA! EXTRA!

144

The Chronicle is celebrating its 144th birthday by giving our readers 144 days of extra surprises. Don't miss our daily bonus offerings, like collectible covers, posters, guides to the Bay Area's best — and more.  
**COMING FRIDAY:** Carl Nolte's look at the newspaper's turbulent history.

## OUTDOORS

### A FANTASTIC TIME TO HIKE BAY AREA LOOP TRAILS

## DATEBOOK

### RAPPER NOTORIOUS B.I.G. — HIS STORY TOLD ON FILM

# San Francisco Chronicle

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## Apple's Jobs is taking a leave

CEO says he needs to focus on health, remove distraction

By Tom Abate  
CHRONICLE STAFF WRITER

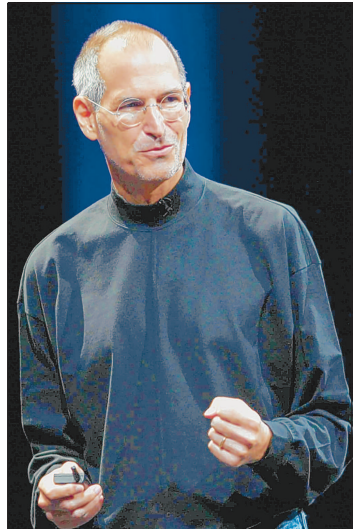
Apple CEO Steve Jobs will take a medical leave of absence until June to address health problems that he says are "more complex" than he realized just nine days ago when he sought to squelch rumors that he opted out of the Macworld Conference and Expo because he was ailing.

Jobs revealed this latest twist in his medical saga Wednesday in a letter to employees posted on Apple's site. He deputized chief operating officer Tim Cook to run the company's day-to-day operations while he took off to "focus on my health" and remove the distraction that his condition has been for Apple.

"During the past week I have learned that my health-related issues are more complex than I originally thought," Jobs wrote, adding that, "As CEO, I plan to remain involved in major strategic decisions while I am out."

In his previous letter, Jobs blamed his weight loss on a hormonal imbalance requiring a "relatively simple" treatment.

Apple declined to comment or  
► **JOBS:** Page A6



MIKE KEPKA / The Chronicle 2008

Steve Jobs appeared strikingly thin at last year's Macworld.

► **In Business:** Yahoo's new chief executive, Carol Bartz, faces a daunting task in attempting to revitalize the company. **C1**



CATHLEEN ALLISON / Associated Press  
Johannes Mehserle in court in Nevada.

## THE BART POLICE SHOOTING

# BEHIND MURDER CHARGE AGAINST BART EX-OFFICER



MICHAEL MALONEY / The Chronicle

**Prone protesters**, their hands behind them as if prepared to be handcuffed, chant, "Please don't shoot," outside Oakland City Hall during a protest of the killing of Oscar Grant. Later, some protesters turned violent, and dozens were arrested. **See story, Page A12**

## ECHOES OF RODNEY KING: Cautionary tale for prosecutors in Johannes Mehserle case

By Bob Egelko  
CHRONICLE STAFF WRITER

To an outraged public that watched an amateur video of the scene, it looked like an open-and-shut case of police brutality.

But after lawyers for four white Los Angeles police officers dissected the video footage and told jurors to put themselves in the shoes of officers under stress, a jury delivered not-guilty verdicts in the 1991 beating of black motorist Rodney King. After six days of riots and 54 deaths, federal prosecutors filed civil rights charges and won convictions against two of the officers.

The King case becomes a cautionary tale for prosecutors now

that Alameda County District Attorney Tom Orloff has filed murder charges against Johannes Mehserle, 27, the former BART police officer who fatally shot an unarmed and prostrate Oscar Grant at the Fruitvale Station in Oakland early New Year's Day.

As in the King case, the defendant is white, the victim black. Once again, onlookers' videos appear to show a criminal assault, this time fatal. Two local elected officials, Oakland City Councilwoman Desley Brooks and County Supervisor Keith Carson, have referred publicly to the shooting as an execution. The president of the NAACP in California, Alice Huffman, said Mehserle could have

► **LEGAL:** Page A13

## The law and the shooting

Criminal laws that could apply to the BART police shooting:

**First-degree murder:** A premeditated, intentional killing without provocation. Sentence: 25 years to life in prison, with up to 25 additional years for use of a gun. If racially motivated, punishable by death or life in prison without parole.

**Second-degree murder:** An unplanned but intentional killing without provocation. Sentence: 15 years to life, with up to 25 additional years for use of a gun.

**Voluntary manslaughter:** A killing committed because of a sincere but unreasonable belief that the victim was about to inflict death or serious injury. Sentence: three to 11 years in prison, with up to 10 additional years for use of a gun.

**Involuntary manslaughter:** A killing committed by grossly negligent acts that show a disregard for human life. Sentence: two to four years in prison, with up to 10 additional years for use of a gun.

## D.A.'S DECISION:

Based on videos of the shooting and the suspect's silence

By Demian Bulwa,  
Wyatt Buchanan  
and Matthew Yi  
CHRONICLE STAFF WRITERS

The unarmed man killed by former BART police Officer Johannes Mehserle on an Oakland train platform early New Year's Day put up a brief struggle with officers but had been restrained and had both arms behind him when he was shot in the back, police investigators said.

The conclusion by Oakland police, contained in a legal filing made public Wednesday, contributed to Alameda County prosecutors' decision to charge Mehserle, 27, with murdering 22-year-old Oscar Grant of Hayward.

It was an extraordinary decision. Several legal experts said they could recall no instance of a police officer in California being charged with murder for an on-duty incident, and Alameda County District Attorney Tom Orloff said he had never brought such a case in his 14 years on the job.

But the circumstances of the case are equally extraordinary, in that the shooting was filmed by several BART passengers and Mehserle has refused to talk to investigators about why he shot Grant. Orloff said Wednesday that both factors played into his decision to charge Mehserle with murder.

Mehserle waived extradition in a court hearing in Douglas County, Nev., on Wednesday, a day after he was arrested at a friend's home near Lake Tahoe, where his attorney said he had gone after receiving death threats in the Bay Area.

The Lafayette resident was driven to the Santa Rita Jail in Dublin, where he was placed in "protective custody," sheriff's Sgt. J.D. Nelson said. He is scheduled to be arraigned today in Oakland.

His attorney, Christopher Miller, said he expects Mehserle to be cleared. The former officer was not

► **BART:** Page A12

## THE ECONOMY IN TURMOIL

# Retail sales drop sharply — 2 more firms in bankruptcy

## In Business

► **Sales slow:** Seagate Technology of Scotts Valley, the world's largest maker of hard drives, plans to cut 6 percent of its global workforce. **C1**

► **Stocks slide:** Markets plummet on worries about slumping companies. **C3**

By Victoria Colliver  
CHRONICLE STAFF WRITER

Retail carnage continued as government figures released Wednesday showed a record six months of sales declines, and December turned out even worse than analysts had predicted.

Sales fell by 2.7 percent in December from the previous month on a seasonally adjusted basis, according to the Commerce Department. Economists had predicted a 1.2 percent sales decline for December, but consumers held onto their wallets even tighter during the holiday season due to job loss-

es and the credit crunch.

Also on Wednesday, two companies — including Gottschalks Inc. of Fresno — added to the growing number of companies filing for bankruptcy protection or going out of business.

Gottschalks, which operates 58 stores in six Western states, filed for bankruptcy with the hope of finding a buyer. Goody's Inc., a Tennessee clothing store chain that has no California stores, resorted to total liquidation in its second filing.

"The reality is this is the long, cold winter following a holiday

► **RETAILERS:** Page A7

**RICARDO MONTALBAN**  
1920-2009



LOIS BERNSTEIN / Associated Press 1995

The suave leading man — one of the first Mexican-born actors to make it big in Hollywood, best known today as Mr. Roarke on ABC's "Fantasy Island" and the villainous Khan on "Star Trek" — has died at age 88.

**Obituary, Page A2**

## THE PRESIDENCY IN TRANSITION

# EPA pick will revisit state's bid for tough emission rules

By Zachary Coile  
CHRONICLE WASHINGTON BUREAU

WASHINGTON — Lisa Jackson, President-elect Barack Obama's pick for EPA administrator, said Wednesday she would immediately revisit the Bush administration's decision to block California and 18 other states from setting tough limits on greenhouse gases from vehicles, and she hinted strongly that she will overturn it.

Democrats on the Senate Environment and Public Works Committee pressed the 46-year-old former head of New Jersey's Department of Environmental Protection

to follow through on Obama's campaign pledge to approve California's request for a waiver from EPA so that the states can enforce the rules under the Clean Air Act.

"I will review the waiver decision, if I'm confirmed, very, very aggressively very soon after confirmation," Jackson told lawmakers. "I will let science be the guide in making the decision and the rule of law."

The Bush administration caused outrage in December 2007 when EPA Administrator Stephen Johnson overruled the opinion of the agency's legal and technical

► **WARMING:** Page A10

## ► Cash

## politics:

A self-appointed fundraiser who was ordered to stop using Barack Obama's name in the title of his organization is trying to attract movers and shakers to a high-profile but unauthorized party at the inauguration. **A10**

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**MADE IN 'CHINDIA'**  
A Bollywood kung fu action comedy. [sfgate.com/columns/asianpop](http://sfgate.com/columns/asianpop)

**ON THE BLOCK**  
Prices shrink for tiny S.F. condos. [sfgate.com/blogs/onthelock](http://sfgate.com/blogs/onthelock)



**WEATHER**  
Sunny.  
Highs: 58 to 68.  
Lows: 32 to 49. **D8**  
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