

THE OAKLANDSIDE

CITY HALL & POLICING

‘I was not truthful’: Murder conviction overturned after witness says Oakland police officer paid for her testimony

A star witness who sent a man to prison for life in a 2011 slaying revealed recently she felt “pressured” to lie by an OPD officer.



by **Darwin BondGraham**

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The Oakland Police Administration building. Credit: Amir Aziz

A man convicted and sentenced to life in prison for a 2011 North Oakland murder was set free last September after a key witness in the case recanted her trial testimony and alleged that an Oakland police investigator secretly paid her thousands of dollars before the trial.

The shocking revelations—unreported until now—all but destroyed the prosecution’s case against defendant Giovonte Douglas and co-defendant Cartier Hunter, who was also serving a life sentence for the murder. The Oaklandside was informed of this case last week by a source working in criminal justice in Alameda County.

Both men were set free last year, and there is no sign the Alameda County District Attorney plans to re-try them for the homicide of Charles Butler.

The stunning and rare overturning of two homicide convictions raises serious questions about Oakland Police Officer Phong Tran, the lead investigator on the case.

According to court records, Tran secretly paid the government’s star witness between \$1,500 and \$2,000, some of it before the trial. Tran also appears to have committed perjury. According to court records, he testified during the trial that he first met the supposed eyewitness to the murder, Aisha Weber, in 2013, two years after the shooting. However, Tran recently acknowledged in court documents that he knew Weber well before the 2011 homicide. Weber periodically gave Tran information about activities on the streets of North Oakland.

Tran’s pre-existing relationship with the key witness—essentially his confidential informant—and the cash payments he made to her were not disclosed to Douglas’ attorneys before, during, or after his 2016 trial.

Last September, after Douglas had spent nine years behind bars, the Alameda County district attorney’s office conceded that Douglas’ constitutional right to a fair trial had been violated. Superior Court Judge Morris Jacobsen ordered Douglas set free.

The consequences for Tran and OPD aren’t clear. The department told The Oaklandside that Tran is currently assigned to the criminal investigation division and is not on administrative leave. Asked whether OPD is aware of the allegations that Tran might have made a false statement in court and that he paid a confidential informant who helped convict two men, OPD declined to comment.

Tran did not respond to an email seeking comment.

“I found Detective Tran’s conduct to be shocking,” said Matthew Dalton, the attorney who represented Douglas in his successful effort to overturn his conviction. “Pretending a witness is simply an unknown Good Samaritan rather than a background informant deprived the prosecution, the defense, and the fact-finders essential information necessary to evaluate her credibility.

Similarly, paying a witness is rife with peril. That is why the rules of disclosure are rightly so strict. Secretly paying witnesses is outrageous. In the end, everyone loses: Mr. Douglas, Mr. Hunter, and the family of Charles Butler.”

A key witness comes forward, helping secure a conviction



Oakland Police Investigator Phong Tran (right) at the scene of a 2020 homicide. Credit: Darwin BondGraham

There were no eyewitnesses to the shooting that claimed Oakland resident Charles Hiawatha Butler’s life.

Butler, 23, was driving on West Street near 46th Street at 10:30 a.m. on Dec. 22, 2011 when someone shot him multiple times with a .40 caliber handgun, causing him to crash into a row of parked cars. His car caught on fire and burned, sending smoke into the sky. He died within minutes.

Oakland Police Investigator Phong Tran led the investigation, but OPD hadn’t made an arrest two years into the case.

According to court records, Tran suspected North Oakland residents Cartier Hunter and Giovonte Douglas. One witness, the owner of the North Side Market located a block away from the scene of the shooting, told police that Butler and Hunter were in his store at the same time earlier that day and had gotten into a mild argument. Surveillance video obtained by the police showed Butler pull up to the market in his car and bump the Lexus that Douglas was driving and Hunter was a passenger in before Hunter and Butler exchanged words inside the market.

Other residents in the area told police they heard gunshots and Butler's car crash and a couple said they saw Douglas and Hunter in the neighborhood that day, but no one saw the shooting happen. No one identified Douglas and Hunter as the killers.

According to OPD's version of events, as outlined in court records, the department had KTVU air an interview with Butler's father in September 2013 in hopes of generating new leads. "Shortly after the news interview aired, Aisha Weber contacted the Oakland Police Department," the DA's office explained in court records.

Weber, a longtime resident of North Oakland who was at a time a homeless single mother, came forward and told Tran that she was there the day of the shooting. She said she witnessed a Lexus sedan pursuing Butler's car. When Butler stopped, she said, Hunter got out of the passenger side of the Lexus and shot Butler multiple times. Hunter then got back in the Lexus, which was driven by Douglas, and they sped away. Weber said she knew both Hunter and Douglas from around the neighborhood. She added that she left the scene and hadn't spoken to the police for two years because she was afraid to be labeled a "snitch."

Tran obtained arrest warrants from Douglas and Hunter immediately after his interview with Weber. Douglas was arrested on Sept. 19 in Sacramento.

The district attorney's office said they discovered that "credible threats were being made against Weber due to her cooperation," so they lined up financial assistance for her. According to the DA, the threats were uncovered "while monitoring jail calls of an unrelated criminal matter."

After she testified at Douglas' preliminary hearing in 2014, the DA's office began paying Weber through the California Witness Relocation and Assistance Program, or CalWRAP. Up to and through the 2016 trial, she received about \$29,000 in assistance, which helped pay her lodging at a hotel. Douglas' attorneys were told about this assistance and didn't object to it.

At Douglas' trial in 2016, Weber told her story again, identifying Douglas and Hunter by their nicknames, "Gio" and "Corn."

Tran also testified, telling the jury that the first time he had ever met Weber was when she came forward out of the blue in 2013 after seeing the KTVU story.

Douglas was convicted of first degree murder and [sentenced](#) to 26 years to life in prison. He maintained his innocence and appealed the conviction but lost.

Allegations of secret payments to a confidential informant

In 2020, attorney Matthew Dalton took up Douglas' case after learning that Weber was feeling remorseful about her testimony.

According to court records, Weber had already confided in at least one person that she lied about witnessing Butler's killing. According to a statement a man named Nate Reed gave to Dalton, Weber told him in 2012 that she was "not doing well" financially.

"She had two kids, and they were living in a homeless shelter," said Reed, who was dating Weber at the time.

Reed and Weber were together in 2013 when Weber received a call from the Oakland police. When he asked her about the call, she told him "she was involved in a murder case," but according to Reed, "she made it clear that she did not actually know who did the shooting and was cooperating with the police to get money." Weber told him she was afraid she would lose her children if she did not help the police.

Over the next eight years, Reed and Weber didn't communicate with each other. Then one day, Reed received a call from Weber's sister, who told him Weber was "trying to fix the mistake she made when she testified against two men in a murder case," according to Reed's statement.

Weber acknowledged in court records filed as part of Douglas' petition that in 2011 she was living in North Oakland's Longfellow neighborhood and experiencing "significant money problems" due to being unemployed and raising two children. She said on a typical day, after taking her kids to school, she would sell drugs to make money, and then she and her children would go to a homeless shelter for the evening.

In early 2011, she was shot in the arm while attending a barbecue at a friend's house. One of the OPD officers who responded was Phong Tran. Although she didn't cooperate with the police when she was shot, she did trade phone numbers with Tran and the two began communicating about other matters.

"I continued to speak to Detective Tran on occasion," she said in her statement. "He asked me about things that were happening in the neighborhood. I was not a snitch, but I did give background information about things I knew."

Contrary to Tran's testimony at Douglas' trial, Weber said that she not only was already acquainted with him before Butler's murder, but that she and Tran had talked about the case in 2012—before she gave her statement in 2013 identifying Douglas and Hunter as the killers.

“For five years, I have lived with lying against Mr. Douglas. It has been terrible. My decision to come forward now is to try to make it right.”

— Aisha Weber

“I believed that I could get paid by OPD if I agreed to be a witness in this case,” she told Douglas' attorney in 2021. In addition to receiving payments from the DA's office—which were disclosed to Douglas' attorney—Weber said she received cash in the form of one hundred dollar bills from Tran during meetings at an Oakland Starbucks. Instead of witnessing the shooting, Weber said she was more than seven blocks away from the scene when it happened. She only saw the smoke rising from Butler's burning car.

In his statement to the district attorney's office in support of the DA's opposition to Douglas' petition, Tran denied that he gave Weber money or made promises of money before she gave her first statement to OPD about the murder on Sept. 12, 2013. He also claimed she was not a confidential informant of his. But in the same statement, Tran acknowledged that he “otherwise periodically provided Aisha with money if she requested it,” and that some of these payments were made before Douglas' trial.

In addition to Weber and Reed's statements, Dalton interviewed another witness in the case who accused Tran of misconduct.

On the day of Butler's murder, Theresa Anderson was driving on 46th and West Street when she witnessed a young man run in front of her and get into a car that sped away. Although she told the police she didn't see the shooting and couldn't identify the man who ran past her because she didn't see his face, she said in a statement in support of Douglas' petition that Tran interviewed her more than once and tried getting her to finger Hunter or Douglas. And she accused Tran of offering to help her son out of an unrelated case if she would testify against Hunter and Douglas.

“Detective Tran brought up my son Tavio Briggs,” Anderson said. “Tavio was in jail at the time on a robbery case and was on probation for robbery. Tran told me he could help Tavio with these cases if I would help with the identification of the man who ran in front of me.”

Tran denied using Anderson's son as leverage and said he interviewed her only once for the case.

A judge overturns Douglas and Hunter's murder convictions

Dalton filed a petition to overturn Douglas' conviction in May 2021, attaching to it Weber's admission that she falsely testified for money and the statements from Reed and Anderson. After reviewing the documents, a superior court judge ordered then-District Attorney Nancy O'Malley to respond.

The DA's office opposed Douglas' petition, claiming his conviction hinged on much more than Weber's testimony. According to Deputy District Attorney Edward Vieira-Ducey, the case relied on other witnesses who saw the defendants in the area on the same day, the convenience store video that showed Butler and Hunter arguing before the shooting, and statements from two individuals who claimed that many months after the shooting Douglas and Hunter threatened them. According to Tran, a Longfellow resident named Crosby Powell told him in June 2012 that Douglas made a threatening remark toward him that he wouldn't want to get shot and "end up in a burning car."

Tran also wrote in a police report that he interviewed another North Oakland resident, Daniel Cornist, who said that while he was incarcerated at Santa Rita Jail he overheard Hunter brag about killing Butler. An inspector with the district attorney's office, Cesar Basa, testified during the trial that he also spoke to Cornist, who told him the same story. Basa later convinced Cornist to testify at Hunter's trial.

But in responding to Douglas' petition, the DA's office included a statement from Tran, who admitted he had known Weber long before Butler's homicide, and that he had given money to Weber, including before the trial. Tran also said he'd given Weber a "personal loan" of several hundred dollars to retrieve her car out of a tow yard.

On September 12, 2022, Deputy District Attorney Tim Wagstaff, who took over the case from Vieira-Ducey, and Butch Ford, the deputy DA who prosecuted Douglas in 2016, conceded that the violations of Douglas' constitutional rights were too much. The DA's office filed a motion to dismiss the murder case against Douglas.

Douglas was released from prison, but his attorney, Dalton, said his client is declining to be interviewed about the ordeal. An attorney representing Hunter filed a similar petition, resulting in Hunter's murder conviction also being overturned.

The district attorney's office didn't respond to questions about the case, including whether it's reviewing other homicide convictions that relied on Tran's testimony and casework. Tran has been an investigator for over a decade at OPD, leading many homicide cases and other felony violent crime investigations.

“We’ve been raising alarms about Tran for years,” said Alameda County Chief Public Defender Brendon Woods. “Unfortunately, our concerns apparently fell on deaf ears during DA O’Malley’s administration. We’re hoping things will be different under DA Price and were encouraged when she [announced the formation](#) of a Police Accountability Unit. We have urged her to investigate Detective Tran’s misconduct and to dismiss all the cases he has worked on—past and present.”

The Oaklandside was unable to locate Aisha Weber for comment. But in her statement to the court, she said she felt “very guilty” about her testimony that sent Douglas to prison. “For five years, I have lived with lying against Mr. Douglas. It has been terrible. My decision to come forward now is to try to make it right.”