

JURY AWARDS \$4.5 MILLION IN POLICE BRUTALITY CASE

By Nicolas Taborek
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LOS ANGELES - A federal jury in Los Angeles returned a \$4.5 million verdict against five Bell Gardens police officers, who allegedly beat two Hispanic men and then lied about it an attempt to convict them of criminal charges.

The panel awarded Gerardo Cazares and his father-in-law, Manuel Moreno, \$3.2 million in general damages on Thursday and \$1.27 million in punitive damages on Friday.

The men claimed they were beaten by the officers and then arrested without probable cause, and prosecuted using false and misleading evidence. *Cazares v. Bell Gardens Police Department* CV06-5985 (W.D. Cal., filed Sept. 20, 2006).

The men sued the police department after both were acquitted of criminal charges.

The lawsuit stemmed from an incident at a 2005 Halloween party at the men's Bell Gardens residence.

Police officers responded to a noise complaint and were breaking up the party when they allegedly assaulted the men, shooting Moreno with a nonlethal bean bag shotgun from close range, causing permanent scarring, according to the complaint.

Both men were arrested and charged with obstructing a police officer. Moreno also was charged with assault with a deadly weapon on a police officer.

Cazares and Moreno, U. S. citizens, were acquitted of all criminal charges in April 2006 in Los Angeles County Superior Court.

In the civil trial, plaintiffs' attorney Glen T. Jonas said the most damaging evidence against the police officers was their own testimony. He said the officers gave conflicting accounts of their actions and contradicted written reports they filed in the case.

"It became obvious immediately that the police were lying," Jonas of Los Angeles' Jonas & Driscoll said.

"They lied in the reports, and they lied in court to try to convict two innocent men," Jonas said. "That was our theory of the case and the jury accepted it."

The five officers named in the complaint were Michael Cox, Sergio Tiscareno, Ricky McCraner, Rigoberto Barrios and Rene Ruiz.

The officers' attorney, Lee Wood, of Costa Mesa's Bohm Matsen Kegel & Aguilera, could not be reached Monday for comment.

The Bell Gardens Police Department could not be reached for a comment on the verdict.

The jury decided to award punitive damages because the officers' actions constituted "malicious prosecution," Jonas said.

"You can't have police officers falsely prosecuting innocent men, and you can't have fire fighters burning down your house," Jonas said.

Jonas said the verdict was particularly gratifying because the department had declined a settlement offer of \$1 million during trial. It also was significant, he said, because the verdict was reached without the benefit of videotape evidence showing the police officers' actions.

"A lot of people these days think they can't pursue these cases unless they have a videotape," Jonas said.

Cazares and Moreno were unavailable for comment on the case because post-trial motions are pending, Jonas said. Neither man is affiliated with a gang and both are employed, according to Jonas. He said Cazares is an insurance salesman and Moreno works in a fish processing plant.

"They're in a working-class neighborhood, and they're poor, and so the cops thought they could get away with this," Jonas said.