

VERDICT *of the* **WEEK****U.S. DIST. CT., LOS ANGELES****FALSE ARREST****Police as Defendant - Fourth Amendment****Cop manipulated evidence,
coached witness****VERDICT** **\$18,000,000**

CASE Raul Ramirez v. Los Angeles
County Sheriff's Dept., County of
Los Angeles, Frank Bravo,
No. 2:04-cv-06102-GAF-FMO

COURT United States District Court, Central
District, Los Angeles, CA

JUDGE Gary A. Feess

NEUTRAL(S) Eric Younger (mediator)

DATE 2/16/2006

PLAINTIFF

ATTORNEY(S) **Michael Artan** (lead), Michael H. Artan,
Lawyer, APC, Los Angeles, CA
Michael J. Olecki, Grodsky & Olecki LLP,
Santa Monica, CA
Michael Sobel, Michael Sobel,
Beverly Hills, CA

DEFENSE

ATTORNEY(S) **Donald R. Beck** (lead), Manning & Marder,
Kass, Ellrod, Ramirez LLP, Los Angeles, CA
Patrick L. Hurley, Manning & Marder,
Kass, Ellrod, Ramirez LLP, Los Angeles, CA

FACTS & ALLEGATIONS On Jan. 10, 2003, plaintiff Raul Ramirez, 26, a special education teacher, was arrested and for the kidnapping and assault of a 16-year old girl on Compton Boulevard in South Los Angeles. The victim identified his car and later picked Ramirez' face out of a group of photographs.

On Jan. 14, Ramirez pleaded not guilty to charges of kidnapping to commit forcible oral copulation, making criminal threats, using a tear gas weapon and assault with a firearm. Ramirez was accused of coercing the victim into his car at gun-point while she was waiting for a school bus and then driving her to another location to perform a sex act. The victim managed to escape despite the suspect's use of pepper spray against her.

A jury acquitted Ramirez and a judge also ruled that Ramirez was factually innocent based largely on cell phone and ATM records demonstrating that Ramirez was miles from the scene

at the time of the kidnapping.

Claiming his civil rights were violated, Ramirez sued Los Angeles County, the Los Angeles County Sheriff's Dept. and the lead detective in the case, Frank Bravo, for violating state and federal laws protecting against false arrest; for state and federal laws against malicious prosecution; a federal law against illegal search; and California Civil Code 52.1 against interference with constitutional rights.

Plaintiff counsel argued that there was never probable cause for police to arrest or search Ramirez; that Bravo built a false case against Ramirez; and that the sheriff's department did nothing to stop Bravo.

Plaintiff's counsel alleged that Bravo, a 20-year veteran of the police force, intentionally and maliciously hid evidence that would have exonerated Ramirez, such as the fact that the victim said that her attacker had a scar on his right cheek and a crease on his chin. Ramirez has neither.

Plaintiff's counsel also claimed that Bravo disregarded the fact that victim's backpack, which was later found four miles from where she escaped, didn't have Ramirez' fingerprints, and the location was in a different direction than where Ramirez demonstrated he was at the time.

Plaintiff's counsel also opined that a composite drawing of the suspect done by a professional sketch artist looked nothing like Ramirez.

Police practices expert Roger Clark, testified that Bravo made illegal threats against Ramirez during the interrogation and he failed to record the interrogation. Ramirez claimed that Bravo threatened him with violence and told him that he would be molested in jail before he offered to put him in protective custody if he confessed.

Plaintiff's eyewitness identification expert Steven E. Clark testified that eyewitness identification is very imprecise because witnesses are easily manipulated. He offered examples as to how a detective like Bravo can deliberately confuse a witness to aide a false arrest through illegal coaching, manipulating identification procedures and simply falsely telling the witness that she picked the right person.

Roger Clark and Steven Clark also explained how the search warrant affidavit and Bravo's reports were misleading because the detective omitted information that would have strongly suggested that the victim had confused the perpetrator for Ramirez.

Plaintiff's counsel also criticized the fact that Bravo based his arrest solely on one teenager's perception.

The defense disputed the allegations. Bravo denied that he ever coached the victim during the identification phase, and the victim denied that she was ever coached.

The defense opined that the sheriff's department and Bravo should be freed from liability because county prosecutors reviewed the case against Ramirez and decided that there was enough evidence to file criminal charges against him.

The defense also argued that, in making the decision to arrest Ramirez, Bravo relied on the identification by the victim as well as other corroborating information. Chief Bill McSweeney, Bravo's boss, publicly stated that his department believed the

victim in large part because two deputy district attorneys believed her.

The defense's police practices expert, Jared Zwickey, testified that many of Bravo's actions were up to standards.

Pursuant to a motion in limine, the jury wasn't able to hear about the factual innocence ruling in the criminal matter.

INJURIES/DAMAGES *emotional distress; face; head; post-traumatic stress disorder*

Ramirez was in a county jail for 10 months and 10 days. While incarcerated, he claimed to be a constant target of threats from other inmates who frequently urinated and spat on him because they had no tolerance for somebody they thought was a child molestor. His treating psychologist, Walter Greenberg, and a forensic psychologist, Richard Romanoff, examined Ramirez and testified that he suffered from an extreme and unmistakable case of post-traumatic stress disorder. During his arrest, Ramirez claimed that he was handcuffed so tightly that circulation to his hands was blocked, and he also bumped his head and face against the police car's roof and screen when the speeding car hit a speed bump.

Economist Robert Wunderlich calculated that Ramirez had also accrued about \$380,000 in out-of-pocket economic losses during the ordeal to pay for his criminal defense and for his wage loss.

Plaintiff's counsel asked for: loss of liberty (\$5 million to \$7 million); post traumatic stress disorder and resulting physical injuries such as high blood pressure (\$2 million to \$5 million); ruined reputation (\$1 million to \$3 million); arrest-related stress (\$1 to \$2 million); damage to credit history (\$500,000 to \$1 million); and illegal search (\$500,000 to \$1 million).

The defense did not address the injury claims.

RESULT The jury awarded \$18 million which is the largest single plaintiff's verdict ever against the sheriff's department. There was no award breakdown.

Less than 24 hours after the verdict, the sheriff's department settled for \$9.3 million. Plaintiff's attorney Michael Artan said that Ramirez accepted the settlement because he wanted to move on from the incident and didn't want the case to drag on with an appeal.

DEMAND OFFER	Unspecified millions \$250,000
INSURER(S)	Self Insured for Los Angeles, Sheriff's Department, Bravo
TRIAL DETAILS	Trial Length: 3 weeks Trial Deliberations: 2.5 hours Jury Vote: 9-0 Jury Composition: 4 male, 5 female
PLAINTIFF EXPERT(S)	Richard Romanoff, Ph.D., clinical psychology, Los Angeles, CA

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Walter P. Greenberg, Ph.D., psychological injuries, Los Angeles, CA

Robert W. Wunderlich, economics, Los Angeles, CA

Steven E. Clark, Ph.D., eyewitness identification, Riverside, CA

Roger A. Clark, police practices & procedures, Santee, CA

Kathy Kellermann, Ph.D., jury & trial consulting, Los Angeles, CA

DEFENSE

EXPERT(S)

Jared Zwickey, police practices & procedures, San Mateo, CA

POST-TRIAL The settlement will be paid in three equal installments.

-Rob MacKay

