



Defense Lawyers
Association

October 2013 Verdicts

Submitted By Gregory L Biehler
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Court State Court

County Curry County

Judge Hon. Albert Mitchell

Defense Counsel Gregory L. Biehler

Plaintiff Counsel Dan Lindsey

Trier 12 Person Jury

Style Juventino Hernandez, et. al. v. City of Clovis, et al., D-905-CV-2008-00298

Statement of Facts

Plaintiffs alleged that officers of the Clovis Police Department used excessive force, assaulted, battered and ultimately caused the death of Mr. Hernandez on June 4, 2006. Mr. Hernandez suffered a psychotic break and the family with whom he was staying called 911 stating he was "going crazy". Officers arrived to observe bizarre behavior (pounding on the table, turning and smiling at them) when he attacked them. They attempted to secure him, but he continued to fight. Four officers were ultimately required to restrain him. He was placed in cuffs and leg shackles and finally a dog lead was used to tie both together in an effort to keep him from kicking. He was taken out of the home and placed on a driveway until an ambulance could take him to the hospital. Once at the hospital, he continued to fight and was given medications to calm him. He lapsed into a coma from which he did not recover. He died seven months later. Plaintiffs had initially sued the hospital, but settled that claim before trial. The Court ruled Plaintiffs did not have evidence to make the wrongful death claim, but allowed claims for Section 1983 excessive force, negligence and loss of consortium against the Clovis Police Dept. Plaintiff's alleged the restraints were unlawful and caused physical injuries.

Verdict Defense

Comments After a five-day trial, the jury returned in less than two hours with a defense verdict.

Experts
Plaintiffs:
Ian Paul from OMI regarding injuries and manner of restraint; DP Van Blaricon regarding police practices.
Defendant:
Dr. Lanny Maddox regarding police practices.