

Of Counsel

A REPORT TO CLIENTS & ATTORNEYS VOLUME 16, NUMBER 1

\$23.1 million jury award for victim of police shooting

SDSBS seeks expedited payment for permanently paralyzed 22-year-old

On the morning of September 13, 2013, Dontrell Stephens, an unarmed 20-year-old black man, was riding his bicycle in West Palm Beach, Florida. Palm Beach County Sheriff's Deputy Adams Lin, claiming that Mr. Stephens had obstructed traffic, drove after him. As Deputy Lin approached from behind, he activated the overhead lights on his police vehicle, which automatically turned on a camera mounted on the dashboard. The "dashcam" video shows Mr. Stephens riding with his left hand while holding an object to his right ear with his right hand. As Mr. Stephens gets off his bicycle, it becomes clear that the object in his right hand is a cell phone. Deputy Lin asks Mr. Stephens to come to him, and Mr. Stephens walks to his left, which takes him outside the view of the dashcam video. Less than two seconds later, shots ring out as Mr. Stephens turns, takes a few steps, and then falls to the ground – the cell phone still visible in his right hand. Deputy Lin



Attorney Jack Scarola with Dontrell Stephens, attorney Darryl Lewis and Dontrell's brother, Eric White. (Photo by Allen Eyestone/Palm Beach Post/ZUMA.)

shot Mr. Stephens a total of four times. The last shot, which entered through his back, left Mr. Stephens a paraplegic, paralyzed from the waist down.

In a statement taken shortly after the shooting, Deputy Lin swore that Mr. Stephens' hands were empty when he got off his bicycle, that Mr. Stephens ignored commands to raise his hands, and that he pulled a black object from his rear waistband that Deputy Lin thought was a gun. The obvious contradictions between the deputy's account and the dashcam video were never even identified, much less investigated, by the Palm Beach County Sheriff's Office. No attempt was made to talk with Mr. Stephens. Instead, the Sheriff's Office, including Sheriff Ric Bradshaw himself, quickly accepted Deputy Lin's version of the events and exonerated him of any wrongdoing. Indeed, the Palm Beach County Sheriff's Office later promoted him to the rank of sergeant and assigned him to train other officers in the appropriate use of force. *(Continued on page three.)*

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Mr. Stephens was completely incapacitated. With medical bills mounting rapidly and his future care uncertain, Mr. Stephens contacted attorney Marshall Rosenbach, who referred the case to SDSBS attorneys **Jack Scarola**, **Darryl Lewis**, and **Patrick Quinlan**. He asked the firm for help in holding Deputy Lin and the Palm Beach County Sheriff's Office accountable for this tragic and unjust shooting. Mr. Scarola, Mr. Lewis, and Mr. Quinlan filed suit for state law battery and violation of Mr. Stephens' constitutional right to be free from excessive force. They obtained court approval for Evett Simmons, a well-known and widely-respected guardianship attorney, to serve as the guardian of Mr. Stephens' property. Then, over the course of nearly two years, with the help of paralegal **Emilio Diamantis**, they conducted the in-depth investigation that the Palm Beach County Sheriff's Office, and the State Attorney's Office, had neglected to perform.

On the eve of trial, the Sheriff's Office tendered a settlement offer of \$1.5 million, which was rejected. "That sum would not begin to satisfy Dontrell's unpaid medical bills, let alone alleviate the economic and physical burdens he faces for the rest of his life," stated Mr. Lewis. The trial lasted eight days in the United States District Court in Fort Lauderdale. In his closing argument, Mr. Scarola acknowledged that police officers have an important and difficult job and emphasized that this case was not an attack on law enforcement; rather, it is "a case about supporting the kind of policemen that everyone wants to be proud of, and that we as a society need as much or more than ever before. You do good policemen no favors by stamping a seal of approval on the kind of conduct and cover-up that Deputy Lin engaged in."

On February 3, 2016, after just three hours of deliberation, an eight-person federal jury found that Deputy Lin had used excessive force and returned a verdict for Mr. Stephens in the amount of \$23.1 million. That total included \$1.5 million for past medical expenses, \$5 million for future

medical expenses, and the remainder for such non-economic damages as pain, suffering, emotional distress, and disfigurement.

Despite the favorable jury award, the battle to find justice for Dontrell Stephens is far from over. Shortly following the verdict, Sheriff Bradshaw defiantly restated his support for now-Sgt. Lin and vowed to appeal. Mr. Stephens will also appeal a pretrial ruling that limited his recovery under federal civil right law. Mr. Stephens may ultimately need a "claims bill" – a payment approved by the Florida Legislature – to recover anything in excess of \$200,000. Claims bills can take years to pass, and the legislative process will not even begin until the Sheriff's Office has exhausted its legal appeals. In the meantime, Dontrell Stephens faces enormous medical bills and daily challenges. He presently lives in a one-room apartment with his three brothers. He sleeps on a mattress on the floor. There are no handicap-accessible facilities of any kind, other than a make-shift ramp to his front door. "His life literally depends on his ability to obtain immediate basic medical care," noted Mr. Scarola. Mr. Scarola has urged the Sheriff's Office to respect the jury verdict, accept its legal responsibility for Mr. Stephens' injuries, and make the payments that will be necessary to save his life.

The SDSBS team will continue to fight for Mr. Stephens and for improvements in how the Palm Beach County Sheriff's Office and State Attorney's Office investigates "officer involved shootings." Since 2000, 97% of fatal police shootings were cleared by the Sheriff's Office, and not one officer has been prosecuted for using excessive force on a citizen. It is hoped that this jury verdict will not only lead to a fair recovery by Dontrell Stephens, but will effect positive change throughout our community. ♦

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