

# Man wins brutality case in police raid

## Jury finds officers used excessive force, awards \$25,000

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A New Orleans man won a federal police brutality case against two Baton Rouge police officers and the city on Thursday after three days of trial and a full day of secret deliberations.

The seven-person jury found that Cpl. Robert Moruzzi used excessive force on Brett Percle, 24, whose head was stomped on and whose teeth were knocked out during a drug raid in 2014 that never resulted in any formal charges. Percle was never arrested. The jury also found that Moruzzi committed an assault and battery on Percle, but the jury did not find Moruzzi intentionally caused emotional distress to Percle.

"I feel vindicated," said Percle, who sobbed after the verdict.

The jury also agreed with Percle's claims that Detective Jason Acree unlawfully strip-searched his body and genitals in violation of the Fourth Amendment, but the panel didn't believe Acree tried to cause emotional harm to Percle.

Baton Rouge must pay \$25,000 to compensate Percle for his medical, dental and mental health expenses stemming from the raid, which was shy of the \$153,265 he asked for. Though Percle wanted \$102,500 in punitive damages from Acree and Moruzzi, the jury did not agree.

The city also was found to have acted with "deliberate indifference" to a de-facto policy by police of strip searching detainees regardless of probable cause or eventual arrest, the jury determined.

Moruzzi, who rolled down dark-tinted windows of his SUV after leaving the courthouse, said, "You know I can't comment."

Acree could not be reached.

Tedrick Knightshead, lawyer for Moruzzi, Acree and the city, said he's not sure if he'll appeal the verdict.

"I was not expecting it. I was pretty surprised," Knightshead said.

Moruzzi was accused of stomping on Percle and knocking out his teeth during a Special Response Team raid in search of marijuana sales at a house just outside Baton Rouge on June 11, 2014. Percle says Acree, the supervising detective, authorized a strip search of his body cavities, even though Acree didn't have a warrant for a body search and even though Percle wasn't ultimately arrested or accused of any crimes. Acree had a warrant to search the house Percle was in at the time of the raid.

Kearney Loughlin, Percle's attorney, said the case was never about the money, and, considering the \$25,000 award — hundreds of thousands of dollars fewer than what was requested — the jury agreed financial considerations were not at the center of the case.

"The jury agreed with us on all the important points. Excessive force, that it shouldn't have happened. That the strip search shouldn't have happened. That there's a policy and a custom in this city that shouldn't be that way; it's unconstitutional," Loughlin said.

Percle, standing next to his mother, who also had testified, said he believes the truth finally has come out.

“I think this case has definitely opened the eyes of the residents of Baton Rouge to say, ‘Hey, this is not OK,’ ” said Percle’s mother, Tammy Percle. “And they have real issues within their Police Department. And any chief that doesn’t know about a case a couple days before, those are even bigger questions. How does he not know?”

Tammy Percle referred to Police Chief Carl Dabadie Jr.’s statement under oath that he learned about the high-profile case only on Sunday, despite being a named defendant in the matter since 2014.

“I feel like (Dabadie) doesn’t care. At the end of the day, if he was really here to protect and serve, he would have followed through,” said Tammy Percle, who suggested Dabadie should have initiated his own internal affairs investigation.

“That says a whole lot about him as an individual, and I’m just glad I don’t live in this city and have him as a chief,” she said.

The jury took over eight hours to consider the case and delivered a verdict about 7:20 p.m.

The panel began deliberating about 11 a.m. and, at 4:36 p.m., sent a note to U.S. Middle District Judge Shelly Dick saying it was at a standstill.

Dick instructed the jurors to re-examine the evidence and to continue considering the case until they reached a unanimous verdict.

Dick said Wednesday in open court, while the jury was not present, that there appeared to be no probable cause in the strip search on Brett Percle and four other men at the house on Lila Avenue. Police found marijuana and about \$1,600 cash at the residence, but only two of the men present were arrested. No charges ultimately were filed after the arrestees completed a pretrial diversion program.

Loughlin, Percle’s lawyer, asked the jury in closing arguments to award his client \$153,265 for Percle’s past and future medical, dental and mental health expenses. Percle testified he now wears a bridge in place of four teeth and is likely to need serious dental work throughout his life.

His psychologist testified Percle suffers from post-traumatic stress disorder, and Percle said he has nightmares, insomnia and, despite having officers in his family, a debilitating fear of police that didn’t exist before the 2014 raid.

Loughlin also asked for \$2,500 in punitive damages for Acree’s actions and \$100,000 for Moruzzi’s, which Loughlin said were modest sums to punish the officers and to send a message that such misconduct is unacceptable.

The seven jurors ranged in age from 35 to 67. They include a retired crane mechanic, a security system expert, a retired social worker, a mail carrier, a legal assistant and a public school teacher. One man’s occupation was not available.

Two black women, four white men and a white woman served on the jury; three of the members reported family members who serve in law enforcement.

In closing arguments, Loughlin exhorted the jurors to consider not only the officers’ actions but their conduct since the event.

“Did they cover it up? Did they lie about it?” he asked.

Knightshead, representing the two officers and the city, said in his closing statements that Percle, who testified to

be struggling financially, is pursuing the case only for the money.

Knightshead, along with Moruzzi and other officers who testified, argue that Percle must have knocked out his own teeth on tile flooring as he complied with officers' orders to drop to the floor.

Knightshead said Acree, who, according to his own testimony, strip-searched Percle and the other men without a specific warrant do so, was in fact merciful toward the men by letting three of them go after one man admitted to owning the marijuana found during the raid.

"No good deed goes unpunished," Knightshead said.

Dabadie, who was dismissed as a defendant from the case Wednesday, said earlier Thursday he stands by Acree's actions.

"I think our officers acted according to the warrant," the police chief said hours before the verdict was delivered.

Dabadie was dismissive of the judge's assessment Wednesday that the presence of marijuana near Percle did not constitute probable cause to authorize the body search, saying it represents only her opinion.

Dabadie said he would review the department's policies if necessary and is not sure whether he will initiate his own internal investigation into Moruzzi and Acree.

"I wish they would have punished them more," Percle said about the lack of punitive damages awarded. "But it's not for me to judge."

"I'm happy to move on, to go back to school," he said.

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