



Advocate staff photo by PATRICK DENNIS -- BRPD patrol car drives down Plank Rd near Mohican Ave.

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A Baton Rouge police officer fired several years ago for his involvement in an off-duty fight and then rehired after appealing his dismissal has been accused in recent lawsuits of using excessive force in two separate incidents.

Robert J. Moruzzi, who colleagues describe as a model police officer, is alleged in federal court filings to have [knocked out](#) a New Orleans man's teeth when members of the department's Special Response Team raided a Baton Rouge home in June in search of drugs.

The officers found a few ounces of marijuana and about \$1,600 in cash inside the Lila Avenue home while executing a search warrant, according to police reports. Two people, including one who lived at the home, were arrested on counts of possession with intent to distribute marijuana.

Since then, neither man has been charged by prosecutors in the matter, court records show, and both men posted bail from Parish Prison not long after being arrested.

The New Orleans man, Brett Percle, was inside the home visiting friends at the time of the raid on the afternoon of June 11. Percle [claims in a federal lawsuit](#) that Moruzzi, a member of the department's Special Response Team, kicked him in the shoulders with enough force that Percle's head slammed into the floor, knocking out several of his teeth.

In the suit, Percle claims he was complying with police orders to lie down on the floor of the home when Moruzzi kicked him. In an interview, Percle said the officers ridiculed him throughout the ordeal, telling him he must have slipped and fallen or that his teeth must have been rotten.

In a statement, police department spokeswoman Sgt. Mary Ann Godawa referenced, in general, the risks and challenges often faced by the department's Special Response Team.

"All of the officers assigned to the Special Response Team are highly trained professionals who have the very dangerous job of executing arrest and search warrants almost on a daily basis," Godawa said. "During these highly stressful situations, there are times when a subject does not follow verbal instruction or is noncompliant, but it is still the objective of these officers to execute the warrants without injury to anyone involved."

The department does not comment specifically on active lawsuits. The Parish Attorney's Office, which is defending Moruzzi, the city and other officers named in the suit, also declined comment, citing the pending litigation.

Attempts to reach Moruzzi on Wednesday were unsuccessful.

The police department did not investigate the incident involving Percle and Moruzzi internally, nor did it internally investigate an August 2013 incident in which the officer also is being sued. No Internal Affairs complaints were made in either incident, said Kim Brooks, the department's legal adviser.

In the second federal lawsuit, filed a few months ago in Louisiana's Middle District, a former LSU cheerleader claims Moruzzi unlawfully arrested him using excessive force during an incident at a Highland Road apartment in August 2013.

Police responded with emergency medical personnel to the apartment after the girlfriend of Jed Bricker called for help, telling them she found Bricker asleep in a bathtub and couldn't wake him up, according to the suit.

At some point, Bricker, who was a 20-year-old LSU cheerleader at the time, awoke and told emergency responders he didn't want medical treatment, the suit says.

The suit claims the authorities ignored Bricker's request, and that Moruzzi shocked Bricker with a stun gun twice so emergency personnel could strap him to a stretcher en route to a hospital.

Once they arrived at the hospital, Bricker refused treatment and was sent home, said Joe Long, Bricker's attorney in the federal case.

"He was tazed because he would not get on the stretcher," Long said. "Is it a crime to refuse medical treatment?"

Bricker, who no longer is enrolled at LSU, was later charged by city prosecutors with resisting arrest and unlawful consumption of alcoholic beverages for persons under 21. The charges were dismissed when Bricker agreed to pay a \$75 fee to a public defender fund and participate in a substance abuse evaluation, said Ben LaBranche, Bricker's criminal defense attorney.

The agreement did not require Bricker to admit guilt, LaBranche said.

In the lawsuits filed by both Percle and Bricker against Moruzzi, references are made to the officer's past at the police department.

Moruzzi, a U.S. Marine Corps veteran who served several tours in the Middle East, joined the Baton Rouge Police Department in 2008 after working two years for the Department of Public Safety's capitol detail.

During his years as a state DPS officer, Moruzzi was not disciplined for any departmental policy violations, said Capt. Doug Cain, a State Police spokesman. DPS is a branch of State Police, although DPS officers are not state troopers.

But not long after joining the BRPD, in November 2009, Moruzzi was involved in an off-duty fight in downtown Baton Rouge outside a Third Street bar.

The fight began after a Roux House bar manager, Andrew Biemer, witnessed Moruzzi trying to pull a sign off a fence outside the bar. According to police reports, when Biemer confronted Moruzzi, the officer told him, “You can’t stop me!”

Biemer then pushed Moruzzi to the ground. When Moruzzi stood up, he began to attack Biemer, punching him multiple times in the face, video footage of the incident shows.

According to police reports, Moruzzi threatened to kill Biemer during the fight. And not long after the alleged threat, a handgun of Moruzzi’s appeared.

The video footage isn’t clear enough to determine with certainty where the gun came from or whether Moruzzi pulled it himself.

Biemer initially told police he thought Moruzzi pulled the gun from his waistband during the fight. Later though, after speaking with other officers, Biemer told police he thought the gun fell from Moruzzi’s pants during the fight.

According to one police report, Biemer told investigators he had a good relationship with officers assigned to patrol the downtown area, and that he received solicited and unsolicited advice in the aftermath of the fight.

“Biemer said he was told that Officer Moruzzi was a good police officer and that this was a bad situation and that (Moruzzi) was under the influence of alcohol,” a detective wrote in a police report. Biemer told police at the time that hearing about Moruzzi’s good reputation contributed to his desire to not file charges against Moruzzi.

Biemer, who no longer works or lives in Louisiana, said in a recent interview that police did not threaten him to keep him from pursuing a criminal complaint against Moruzzi.

“In conversations that I had with friends and acquaintances in BRPD, at no point was I ever threatened and at no point was I ever asked to cut anybody a break,” Biemer said.

There were other reasons, too, he decided against pursuing the matter criminally.

“I believe in second chances,” Biemer said. “I also didn’t want to drag the company through a prolonged legal issue. ... It just seemed prudent at the time for the whole thing to go away.”

In March 2010, a few months after the fight, then-Police Chief Jeff Leduff fired Moruzzi for violating department policy. Moruzzi appealed and eventually, in late November 2010, entered into an agreement with the chief that allowed Moruzzi to return to the force while taking responsibility for his actions, police records show.

The firing was reduced to a 90-day suspension without pay. Partly because Moruzzi did not work during the pending appeals process, he also received several months of back pay worth about \$10,000.

Moruzzi was charged in city court in December 2009 with simple battery, aggravated assault, simple assault, disturbing the peace by intoxication and misdemeanor theft for his involvement in the fight. The charges were dismissed on Nov. 29, 2010, after Moruzzi agreed to enter a pretrial diversion program, City Court records show.

The next day, the agreement was reached with the police department in which Moruzzi could return to his old job.

Except for the suspension for the off-duty 2009 fight, a review of Moruzzi’s personnel file did not show any other disciplinary actions taken against him.

Chris Stewart, president of the Baton Rouge Union of Police Local 237, described Moruzzi as an elite police officer who, ever since the off-duty fight, has worked hard and surpassed many of his peers in the department.

“Cpl. Moruzzi has done the job of an officer better than the guy next to him for years,” Stewart said. “He is the picture