

Jury Rejects Laurel Officers' Account of Arrest

[FINAL Edition]

The Washington Post - Washington, D.C.

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Date: Jun 8, 2001
Start Page: B.05
Section: METRO
Text Word Count: 862

A man whose femur was shattered while he was handcuffed in the custody of Laurel police last summer was acquitted by a Prince George's County Circuit Court jury of resisting arrest after the man testified that officers tossed him to the ground for no reason and stomped his leg.

Jurors convicted Jaime Vales of assaulting his girlfriend and destruction of property, but rejected Assistant State's Attorney Michael Pearson's argument to ignore allegations of excessive force and convict Vales of resisting arrest.

"I don't know whether excessive force was used. But it's not my job to determine that, and it's not your job to address that," Pearson said in his closing on Wednesday.

If officers brutalized Vales, Pearson said, he could seek redress through the civil lawsuit he intends to file. "The police are not on trial here," Pearson told jurors.

Juror David Weathers, 58, said he and the rest of the jury believed the three Laurel police officers who testified were "covering up" for each other. The account offered by two officers, who said Vales was not affected by a large dose of pepper spray and tried to resist arrest while handcuffed, was "far-fetched," Weathers said.

Defense attorney Terrell N. Roberts III told jurors in his closing that the two officers who physically restrained and allegedly attacked Vales, Officer John C. Sims Jr. and Detective Jeffrey Van Cleave, should be on trial. "They committed a crime. They should be worried about going to jail," Roberts said.

Roberts argued that the resisting arrest charge, which was not filed against Vales, 25, until three days after the incident and after Vales's father had gone to the police department to protest his treatment, was intended to justify the officers' assault on his client.

Vales's acquittal on the resisting arrest charge was the latest rebuff of police testimony by Prince George's jurors.

In January, a jury acquitted Keith Stevenson of assaulting two county police officers by allegedly driving his van at them. The jury also acquitted Stevenson of theft, even though he admitted stealing lumber. Last fall, two defendants in Prince George's Circuit Court won quick acquittals after prosecutors chose to keep off the witness stand county police officers who were either charged with an excessive force crime or under investigation.

In Vales's case, the FBI has investigated whether the two officers violated his civil rights. Peter A. Gulotta Jr., an FBI spokesman, said the bureau's findings have been forwarded to the Maryland U.S. attorney's office.

Paula Burr, a spokeswoman for Prince George's State's Attorney Jack B. Johnson, said yesterday that the prosecutor's office has opened its own investigation of Sims and Van Cleave.

The FBI investigation focused on what happened when Sims, Van Cleave and other Laurel officers went to a Laurel apartment that Vales shared with his girlfriend, Naomi Kim-Clark.

Kim-Clark, 25, testified during the trial that she and Vales argued often. Around midnight on July 20, Kim-Clark testified, she and Vales were arguing when he went into a bedroom and made a phone call.

Kim-Clark testified that she became angry and unplugged the phone. Vales responded by yanking a sliding door off its hinges and throwing it into a glass door, which shattered. She testified that Vales grabbed her wrists, forced her to the ground and grabbed her hair.

When Vales let go, she went to a neighbor's home and called police. She said she was not injured.

Sims and Van Cleave testified that they confronted Vales in the bedroom, where the young man was talking on the phone. The two officers testified that Vales made a threatening gesture by "clenching" the phone in his hand, though he

did not get up off the bed he was sitting on.

Sims testified that Vales refused commands to put down the phone, so he doused him with pepper spray. Van Cleave testified that he and Sims handcuffed Vales and walked him outside, where three or four other Laurel officers were providing backup.

Outside, Vales testified, Kim-Clark said, "Oh my God, what did they do to you?" and said she hoped he didn't come back to hurt her. Then, Vales testified, one of the officers said, "So, you're a tough guy?" and threw him to the ground face-first.

Vales testified that his right leg was stomped with enough force to break his right femur, the strongest bone in the body.

Van Cleave testified that he didn't know how Vales's leg was broken. Sims testified yjsy he didn't know either, but speculated that it might have snapped because Vales put out his leg to brace himself as officers brought him down. Sims testified that officers had to subdue Vales because the suspect, while handcuffed, began "bobbing up and down."

Both officers testified that Vales was not affected by the pepper spray. Kim-Clark, however, testified that Vales's eyes appeared watery when officers brought him out of the apartment, and Vales testified that he was temporarily blinded and could barely breathe.

Vales now has a metal rod in his right leg and goes to physical therapy three times a week, Roberts said. Vales, who worked as a mechanic and glass repairman, can no longer do physical labor, Roberts said.

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