
Hughes Hubbard & Reed

Victory for Police Officer in Excessive Force Trial

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One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

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Working pro bono on behalf of New York City's Law Department, Hughes Hubbard won a complete defense verdict in the jury trial of a civil case against a police officer accused of using excessive force in shooting an armed burglar in Inwood. The plaintiff was represented at trial by Sullivan & Cromwell, and sought \$100 million in damages.

The plaintiff went on a crime spree that culminated with him invading an apartment in Inwood and taking a number of hostages. The defendant police officer and his partner were the first to respond to the scene. After confirming that the plaintiff was actually inside the apartment and armed with a gun, the police officer assumed a defensive position in the hall and awaited backup. Before backup could arrive, the plaintiff emerged from the apartment, pointed his gun at the police officers, and the defendant officer fired once, striking the plaintiff in the chest. The plaintiff claimed that he surrendered after exiting the apartment, placed his hands on the wall and was shot in the back by the defendant police officer.

When Hughes Hubbard took on the case, the team was immediately faced with a newly-retained expert for the plaintiff and references in the plaintiff's medical records that indicated that the wound in the plaintiff's back was the bullet's entry point. The HHR team found a forensic pathologist and firearms/ballistic expert who were able to examine the plaintiff's clothing and other physical evidence and concluded that the bullet had actually entered plaintiff in the chest, confirming the officer's account of the shooting.

After an expedited period of expert discovery and substantial pre-trial motion practice, the case went to trial on July 6 before Judge Jed Rakoff of the U.S. District Court for the Southern District of New York. During the four-day trial, the HHR team was particularly successful in its cross-examination of the plaintiff and his experts, revealing numerous inconsistencies in their testimony. The jury deliberated for less than a day before returning its verdict in favor of the police officer on July 12.

Josiah Trager led HHR's trial team, which also included Jason Zakai and Ibert Schultz. Ted Mayer provided valuable guidance throughout the case. Also assisting were paralegals Danielle Oloko, Michelle Gulino and summer

associates Sigrid Jernudd, Webster McBride and Ramy Ibrahim.

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Theodore V.H. Mayer