RWG Prevails in Brea Police Department Wrongful Death Case

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On March 10, 2016, Richards Watson & Gershon obtained a unanimous defense verdict for the City of Brea and a Brea detective in a civil rights action arising out of the fatal police shooting of a suspected armed robber. The verdict followed a seven day jury trial in the United States District Court.

On June 29, 2010, Julian Collender reportedly held a pistol to the head of a robbery victim, stole his property and money and threatened to harm the victim's family if he did not provide more money. A Brea Police Department detective was assigned to surveil Collender's residence. At approximately 12:20 a.m., Collender left the residence and approached the detective's undercover vehicle. The detective exited the car, pointed a patrol rifle at Collender, and ordered Collender to raise his hands. A video from an approaching patrol vehicle showed that Collender suddenly reached into his pocket. The detective fired once, fatally wounding Collender. A subsequent toxicology report indicated that Collender had a toxic level of Oxycodone in his system.

The decedent's parents sued the City of Brea and the involved detective for violation of civil rights, wrongful death, and negligence. Plaintiffs claimed the detective negligently conducted the surveillance and used excessive force. At closing argument, Plaintiffs' counsel requested that the jury award $9,000,000 in damages.

The Defendants established that the detective's use of lethal force was reasonable given that Collender reached into his pocket and that he was a suspected armed robber. The Defendants further established that a reasonable officer in the detective's position would use deadly force. The jury deliberated for less than one and a half days and rendered a unanimous verdict in favor of the Defendants.

If you have any questions regarding use of force litigation involving peace officers, please contact Robert C. Ceccon and Jennifer Petrusis, who represented the Defendants in this case.