

EXCESSIVE FORCE

Slayden v. Castro, et al.

Favorable Verdict



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After a 4-day trial in federal court, the jury returned a verdict of \$1.00 on November 10, 2021.

Ft. Lauderdale Managing Partner Dorsey Miller, Esq., and Senior Partner Franklin Sato, Esq., obtained a favorable verdict in an excessive force matter styled *Slayden v. Castro, et al.* in the United States District Court for the Southern District of Florida. The Plaintiff, an inmate at the Broward County Main Jail, alleged that he was attacked by two BSO deputies in the early morning hours of August 7, 2018. The Plaintiff claimed that approximately 3 hours before the incident, one of the deputies covered one of two windows on his cell to conceal the attack from the surveillance cameras. Conversely, the Defendant deputies argued that the Plaintiff's window was covered because he had exposed himself through that window to female officers working in the Control Booth of Plaintiff's unit on multiple occasions, including the evening before the alleged incident. In retaliation, the Plaintiff attempted to flood his cell with water. After shutting the water off, the officers entered Plaintiff's cell, at which point they were attacked by the Plaintiff. The officers defended themselves by using strikes and O.C. pepper foam and were ultimately able to subdue Plaintiff and handcuff him. He was then escorted to the vestibule area where he was treated for minor injuries. No other force was used and the deputies were not injured.













The Defendants argued that the force used was not excessive and that they were fully justified in their use of reasonable force based upon BSO policy and procedure and applicable provisions of Florida law. Defendants also argued that any alleged injuries sustained by Plaintiff resulted from his use of violence in resisting the aforementioned lawful actions of the Defendants, and/or from several subsequent altercations in which Plaintiff was involved. Based upon Plaintiff's testimony on direct examination, the Defendants were able to introduce evidence that Plaintiff had a prior felony conviction for resisting arrest with violence and that he continued to expose himself even after the alleged incident. Defendants also argued that the Plaintiff sustained no permanent injuries as a result of the alleged incident, nor any sequelae from those alleged injuries. After six and a half hours of deliberation, the jury returned a verdict of \$1.00.

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Managing Partner Dan Santaniello, Esq., and Tampa Partner Anthony Petrillo, Esq., are **Florida Bar Board Certified Civil Trial Experts**. Construction Law Partners Christopher Burrows, Esq., Patrick Hinchey, Esq., and Valerie Edwards, Esq., are **Florida Bar Board Certified Construction Law Experts**. The firm has a full service Appellate team in South, Central and Northern Florida to assist with summary judgments, motions in limine, discovery objectives, trial strategy and post-trial positions.

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