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Lawsuit against deputies affirmed

Man was battered at Metairie parade

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By Michelle Hunter

East Jefferson bureau

A federal magistrate has ruled that three Jefferson Parish sheriff's deputies used excessive force, battered and wrongfully arrested a New Orleans man who was photographing a Mardi Gras scuffle on the Metairie parade route three years ago.

Magistrate Judge Sally Shushan dismissed similar complaints brought by two other plaintiffs against Sheriff Newell Normand and seven deputies. But she found that Detectives David Mascaro, Arthur Thibodaux Sr. and Brett Beavers wrongfully beat and arrested Richard Brooke as he tried to take pictures of the encounter at Severn Avenue and Veterans Memorial Boulevard.

"Brooke did nothing to provoke the attacks ... and the injuries sustained by Brooke were clearly unreasonable in light of the fact that his behavior posed no threat," Shushan wrote.

Attorney Gary Bizal represented Brooke and the other two plaintiffs, Samuel Blum and Christina Hellmers. Brooke has said he was beaten after he tried to take pictures of officers hitting Blum.

"Obviously, I don't believe the police officers in this case. I think they lied about what they did to Brooke. The fact that they lied about Brooke is proof enough with me that they lied about Blum," Bizal said Tuesday. "But the judge felt there wasn't sufficient evidence to prove it beyond a preponderance of the evidence."

All three plaintiffs were arrested Feb. 5, 2008, after a drunken Blum allegedly got belligerent with a deputy, according to court records. Several deputies responded to control the dustup.

Shushan ruled Dec. 1 that deputies used reasonable force to restrain Blum and had probable cause to book him with disturbing the peace, resisting an officer, battery of a police officer and criminal trespassing. She questioned the arrest of Hellmers, who was booked with interfering with officers but ultimately upheld that arrest, too.

A witness testified that Brooke was not part of the clash between Blum and the deputies, court records said. Brooke testified he was taking pictures with his phone when officers approached him. He was knocked to the ground and kicked in the face, according to court records, and eventually booked with disturbing the peace, resisting an officer, battery of a police officer and interfering with police.

He suffered a broken nose, scraped arms, a boot print on his forehead and post-traumatic stress, Bizal said. Brooke testified that someone took his phone, erased the pictures, then returned it to his pocket, according to court records.

Shushan found that Brooke did "nothing to insert himself into the situation and that the take down by Officers Thibodeaux, Mascaro and Beavers was not provoked ... in any way."

Normand said Tuesday the case is still under way because the plaintiffs must still prove damages in a hearing scheduled March 15.

"This was a Mardi Gras case. Drunks were involved," he said.

The deputies say they were responding to the sight of Brooke on top of another deputy. Thibodeaux testified that he tripped and fell, bringing Brooke down with him.

"This guy (Brooke) obviously was not involved in the initial altercation," Normand said. "Because of the series of events that occurred, other officers who had not witnessed the entire scene thought he was involved. They went over to help clear the scene."

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