

NEWS SERVICE
BREAKING NEWS

Civil Rights Attorney John Burris Wins \$6 Million Jury Verdict Against The City Of San Jose For A SJPD Officer Who Lied About Using His Vehicle A Reckless Manner That Severely Injuring Andy Martin On May 2, 2018

"Justice has prevailed after three years of deliberate misstatements and misdirection by San Jose Police Officer Alexandre Vieira-Ribeiro. The jury's award of six million dollars to my client Andy Martin delivered a clear notice that they did not believe the officer who did not follow police protocol and used his vehicle in a reckless manner."

John Burris, attorney for Andy Martin

"The defendant told a lot of lies on body-cam right after this happened, to try to escape accountability, most significantly including telling Mr. Martin: 'No one ran over you, dude,' and telling another officer that Mr. Martin had just suddenly stopped his flight, causing the officer to hit him. The video showed the officer turned into Mr. Martin, ran over him, then reversed as the officer was getting out of his car, which the defendant denied doing. The jury's verdict will provide for Mr. Martin to live as close to a normal life as possible now."

Ben Nisenbaum of the Law Offices of John Burris attorney for Andy Martin

FOR IMMEDIATE RELEASE

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San Jose CA--Late yesterday afternoon, following four hours of deliberation, a Federal Jury in Oakland returned a \$6 million verdict in favor of 35 year old Andy Martin against the City of San Jose and San Jose Police Alexandre Vieira-Ribeiro for injuries sustained on May 2, 2018, when Defendant Ribeiro, in pursuing Mr. Martin, ran him over with patrol SUV and then reversed over his ankle. Mr. Martin sustained multiple fractures to his pelvis and a fractured right ankle and right fibula. Defendant Ribeiro was pursuing Mr. Martin and his cousin following an altercation with security at a nearby restaurant near the Eastridge Shopping mall. Security called police, claiming Mr. Martin and his cousin had threatened them with a knife and threatened to shoot them, though neither man possessed any weapons.

The lawsuit, filed March 6, 2019, sought recovery for violation of Mr. Martin's Federal Civil Rights and negligence under California state law. The jury returned a verdict on the negligence claim only,

finding Defendant Ribeiro did not intentionally run Mr. Martin over as he pursued Mr. Martin, who was on foot, with his lights and siren on. The jury found Defendant Ribeiro accidentally collided with Mr. Martin while trying to cut off his flight. The jury's verdict gave Defendant Ribeiro 60% of the fault, while finding Mr. Martin was 40% at fault. \$2 million in economic damages were awarded, along with \$4 million in emotional distress damages. Mr. Martin's recovery will be reduced by 40% based on his comparative fault. The judgement is against both Defendant Ribeiro and the City of San Jose.

Civil Rights Attorney John Burris stated, "Justice has prevailed after two years of deliberate misstatements and misdirection by the San Jose Police Officer Alexandre Vieira-Ribeiro. The jury's award of six million dollars to my client Andy Martin delivered a clear notice that the police cannot be allowed to use their vehicle as a weapon."

Ben Nisenbaum of the Law Offices of John Burris and Pat Buelna, of Pointer and Buelna, represented Mr. Martin in the trial. Nisenbaum said the jury's verdict was important accountability for the Defendant's reckless pursuit of Mr. Martin, which violated San Jose Police Department policy. The verdict vastly exceeded settlement offers by San Jose, and will help Mr. Martin live as full a life as possible after recovering from his injuries.

Parts of the pursuit and its aftermath were captured on Defendant Ribeiro's body cam and the body cam of a nearby office. "The verdict reflects Mr. Martin's incredible pain and suffering shown by his screams of agony on the Defendant's body-cam after he ran Mr. Martin over, and his catastrophic physical injuries."

According to Nisenbaum of the Law Offices of John Burris: "The defendant told a lot of lies on body-cam right after this happened, to try to escape accountability, most significantly including telling Mr. Martin: 'No one ran over you, dude,' and telling another officer that Mr. Martin had just suddenly stopped his flight, causing the officer to hit him. The video showed the officer turned into Mr. Martin, ran over him, then reversed as the officer was getting out of his car, which the defendant denied doing. The jury's verdict will provide for Mr. Martin to live as close to a normal life as possible now."