

## JSH ATTORNEYS PREVAIL ON FALSE ARREST CASE AGAINST CITY OF YUMA POLICE SERGEANT

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*Gabriel Armendariz v. Manuel Padilla, et al* – Jones, Skelton & Hochuli attorneys

[Don Myles](#) and [Michele Molinaro](#) prevail on summary judgment in a 42 U.S.C. § 1983 civil rights action for false arrest against a City of Yuma Police Sergeant. The case involved whether there was probable cause to arrest Plaintiff, a former U.S. Border Patrol Agent. U.S. Border Patrol revoked Plaintiff's enforcement authority, and requested the return of the government-issued property in Plaintiff's possession. City of Yuma police officers sought to retrieve the government-issued firearm, badge and credentials, but Plaintiff refused. He gave various conflicting statements about the location of the property. Plaintiff was then arrested for theft and false reporting. Plaintiff filed a Cross-Motion for Summary Judgment.

The central issue to the Motion for Summary Judgment was whether the Police Sergeant had probable cause to arrest Plaintiff for either theft or false reporting. District Court Judge Susan R. Bolton denied Plaintiff's Cross-Motion for Summary Judgment and found that there was probable cause to arrest for false reporting. Plaintiff's own testimony confirmed that law enforcement officers are trained to know the location of their service weapons and credentials. Based on this understanding, and Plaintiff's inconsistent statements about the whereabouts of the property, a reasonable officer would have sufficient grounds to believe that Plaintiff was knowingly providing false statements. As such, there was no genuine issue for trial. Alternatively, Judge Bolton found that the Police Sergeant was entitled to qualified immunity since it could be reasonably debated whether clearly established law was violated. Judgment was entered in favor of the Yuma Police Sergeant.

Partner [Don Myles](#) is a fellow of the International Academy of Trial Lawyers and the American College of Coverage and Extra-Contractual Counsel. He is currently the Secretary/Treasurer of the FDCC (Federation of Defense and Corporate Counsel) and Past President of the USLAW Network and the Arizona Association of Defense Counsel (AADC). Mr. Myles was "Best Lawyers" Insurance Lawyer of the Year for 2016 and in addition to publishing numerous articles, he is a sought after speaker on issues of Trial Strategy, Insurance and Professional Liability.

Partner [Michele Molinaro](#) concentrates her civil litigation practice on governmental entity defense with an emphasis on civil rights matters. She has defended public entities/municipalities and private prisons in Section 1983 claims that include police-related non-lethal and lethal force incidents, SWAT raid/breaching tactics, failure to protect incidents, failure to render medical care, and various search and seizure incidents.