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Editor's Note: 11th Circuit Opinion available

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Federal Appeals Court Upholds Jury Verdict That Marion County, Fla., Deputy Was Responsible for Excessive Force in Wrongful Death of Unarmed Man
Ruling sets stage for family of Joshua Salvato to receive \$2.3 million award

(PALM BEACH GARDENS, Fla. – June 25, 2015) A federal appeals court today upheld a lower court jury verdict that Marion County Sheriff's Deputy Lauren Miley violated the civil rights of Joshua Salvato when she used excessive force that resulted in the death of the unarmed 21-year-old.

The U.S. Court of Appeals for the 11th Circuit also denied Miley's appeal that she is entitled to qualified immunity against damages. This ruling paves the way for the family of Joshua Salvato who was shot and killed nearly three years ago to receive \$2.3 million in restitution. The decision upholds the May 2014 jury verdict and also the judgment issued on June 30, 2014 by U.S. District Court Judge William Terrell Hodges that upheld the jury restitution award to Salvato's family.

"We are pleased that the 11th Circuit affirmed the jury verdict and restitution award – issued after much deliberation during an eight-day trial – and Judge Hodges judgement," said plaintiffs' attorney Theodore Leopold, of Cohen Milstein Sellers & Toll PLLC. "It underscores the message that Deputy Lauren Miley is not above the law and that this law enforcement position does not protect her from being held accountable for her actions."

The federal lawsuit charged that Joshua Salvato, of Summerfield, Fla., was deprived of his civil rights as a U.S. citizen under both the Fourteenth and the Fourth Amendments to the U.S. Constitution. According to the complaint, on July 6, 2012, Deputy Miley responded to a 911 call concerning an alleged disturbance along a local highway. Upon finding Salvato walking along the road, she asked if he was carrying a weapon and confirmed that the only item in his pockets was a piece of bread. Despite having no cause to place Salvato under arrest or take him into custody, Miley called for backup. When Deputy Norman Brown arrived he shoved Salvato's face onto the ground and the two deputies attempted to handcuff him, without any justification of a crime being committed. Salvato escaped from their grasp and was moving away from the deputies when he was shot and mortally wounded.

A key piece of evidence in the trial was the patrol car's dashboard camera. The camera footage established that Miley pulled out her service pistol and opened fire, shooting Salvato in the abdomen as he was retreating from her. As Salvato lay face down in the middle of the road bleeding to death, Miley handcuffed him and Brown then tasered him 12 consecutive times over six minutes, prior to Salvato dying of his gunshot wound.

The U.S. District Court jury also found Brown guilty of using excessive deadly force and both Brown and Marion County Sheriff Chris Blair guilty of violating Salvato's civil rights. The 11th Circuit reversed the jury verdict against Blair stating that his failure to investigate the matter or discipline Miley and Brown did not constitute a violation of Salvato's civil rights.

In addition to Leopold, Joshua Salvato's father Vincent Salvato, is represented in his civil lawsuit by attorneys Antonio M. Romanucci of Romanucci & Blandin, LLC, and Janet Varnell of Varnell & Warwick, P.A.

For more information about the lawsuit or for a copy of the 11th Circuit opinion, visit <http://www.cohenmilstein.com/news.php?NewsID=782>.

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