

CRIME

SEPTEMBER 12, 2016 2:58 PM

Clovis pays \$650,000 to settle police brutality case



BY PABLO LOPEZ

plopez@fresnobee.com

A former Clovis resident who accused four police officers of savagely beating him while he was handcuffed has settled his federal civil-rights case against the Clovis Police Department for \$650,000, his lawyer said Monday.

George Macias Jr., 24, and his attorney, Charles Tony Piccuta, accepted the city's offer last Friday in U.S. District Court in Fresno.

"It's a fair settlement and a big weight off his shoulders because it's been hanging over him for four years," said Piccuta, a Bay Area lawyer who was assisted by Oakland attorney Panos Lagos.

The settlement comes two months after Magistrate Judge Barbara McAuliffe ruled that Macias and Piccuta were entitled to confidential Internal Affairs police documents about former Clovis Officer Steve Cleaver. In the lawsuit, Piccuta said Cleaver initiated the violent confrontation with Macias in September 2012. Cleaver and Officers Cesar Gonzalez, Eric Taifane and Angel Velasquez then fabricated their accounts about it, Piccuta said in the lawsuit.

Cleaver no longer works for the Clovis Police Department. Gonzalez, Taifane and Velasquez remain.

Before the settlement, police contended that Macias initiated the fight and put the officers' lives in danger when he slipped his handcuffs from behind his back to the front.

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Bay Area attorney Charles Tony Picutta

Macias was a 2010 Fresno Bee football all-star at Clovis East High School in his senior year. The 6-foot-3, 230-pound tight end was a three-year starter. For more than a year, he has lived in Texas, working as a correctional officer, Piccuta said. He recently joined the Army Reserves.

His troubles began on the night of Sept. 30, 2012, when he was pulled over on Willow Avenue near Gettysburg Avenue “because the light illuminating the motorcycle’s license plate was not bright enough,” according to his civil-rights complaint.

Once Cleaver discovered Macias did not have a motorcycle license, he gave him a ticket and told him the motorcycle would be impounded. Meantime, Gonzalez took the keys out of the ignition. When Macias said he needed the ignition key to lock the motorcycle’s front tires, Gonzalez gave it to him. Once that was done, Macias put the key in his pocket, signed the citation and left.

Soon after, Cleaver determined Macias had taken the ignition key and asked Gonzalez to go look for Macias. Gonzalez found Macias a half-mile away and asked Macias for the ignition key, but Macias refused, court records say.

Gonzalez then informed Cleaver, who drove his patrol car to where Gonzalez was with Macias. Armed with a stun gun, Cleaver confronted Macias and told him he was under arrest, the complaint says.

Cleaver ordered Macias to get down on his knees. Because Macias did not get on his knees fast enough, Cleaver told him that he would shoot him, "or words to that effect," the complaint says. Macias then got on his knees and put his hands behind his back so Gonzalez could handcuff him. The two officers then put Macias in the back seat of Cleaver's patrol car.

Because police "haphazardly put Macias in the patrol car," the complaint says, his knees were crunched up to his chest, his feet were off the floorboard, and his shoulders were hurting. During the ride to the Fresno County Jail, Macias moved his handcuffed hands from his back to his lap in order to relieve his pain, the complaint says.

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Once Cleaver learned Macias had repositioned his hands, he pulled over on Shaw Avenue near Highway 168, just east of the Save Mart Center. Macias tried to explain why he repositioned his hands, but Cleaver ignored him and called for backup, the complaint says.

At this point, Macias grew apprehensive. "He believed something bad was going to happen to him," the complaint says. Within a few minutes, Officers Gonzalez, Taifane and Velasquez showed up. The complaint says the officers cursed Macias and ordered him out of the patrol car.

According to the complaint, Taifane got behind Macias and hit him “with a cross-face punch leading to a choke-hold position.” Meantime, Gonzalez yanked on the chain between the handcuffs on Macias’ wrists and Velasquez punched Macias’ face and head, the complaint says. Cleaver then shot Macias twice with the stun gun, allowing officers to slam Macias’ face into a concrete sidewalk.

Screaming in pain, Macias says the officers cursed him and kept striking him. He then lost consciousness.

“When he regained consciousness, emergency medical personnel had arrived and (Macias’) hands were cuffed behind his back,” the complaint says. An ambulance took him to Community Regional Medical Center in downtown Fresno. After he received treatment for his injuries, he was booked into jail on a charge of resisting arrest. His family then posted bail.

In court papers, Piccuta said that Cleaver asked the Fresno County District Attorney’s Office to prosecute Macias “in an effort to cover up and substantiate his wrongdoing.” He said the other officers “were later required to try to validate and verify” Cleaver’s account.

But a Fresno County Superior Court jury in March 2014 found Macias not guilty of resisting arrest. Macias pleaded guilty to the traffic infraction of driving a motorcycle without a license, court records say.

Ironically, Macias’ lifelong dream was to be a police officer, Piccuta said Monday. “He’s a good kid who doesn’t drink or do drugs,” Piccuta said. “I truly believe if the officers had known his background, none of this would have ever happened.”

Pablo Lopez: 559-441-6434, @beecourts



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