



BOB EMMERS

## SHELTON

### Number done on suspect in 911 case?

We've got a real mystery here in Orange County. It's got violence, it's got intrigue, it's got suspense!

I'm sure you've been reading about it; it's gotten a lot of play in the papers. It involves a man named Lawrence Eaves, who was arrested for misusing the 911 tel phone line and taken to jail.

As he stood there, hands and feet firmly shackled, he was attacked by jail deputies and thrown face first to the concrete floor. The impact broke his nose, bruised his eye and split his lip.

Well, Mr. Eaves filed a \$750,000 lawsuit against the county, charging that the deputies attacked him without provocation. The deputies countered that Mr. Eaves was belligerent and lunged at them.

Now the plot thickens.

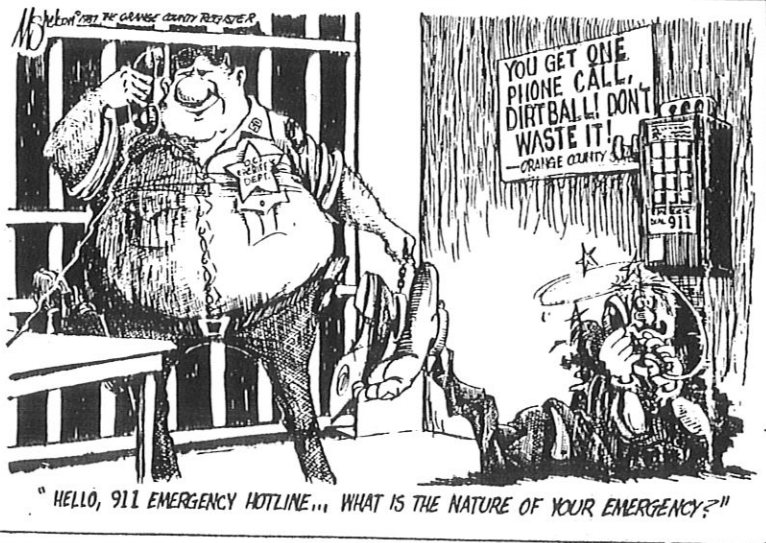
Three jail security cameras taped the incident. Two of the tapes show that Mr. Eaves was just standing there and didn't lunge at the deputies at all.

What a plot twist — video of deputies attacking a defenseless man! But there's more, mystery fans, much more.

The third tape was the key because it had the best view of the incident. Guess what? Turned out there was a mysterious two-minute gap in this tape, exactly coinciding with the attack! The tape shows deputies approaching Mr. Eaves. Then the picture disappears. When it resumes, a deputy is standing in front of the camera, blocking the view.

County officials said — with straight faces, too — that the tape was "eaten" by a videocassette player when county officials looked at it.

But an expert at USC reviewed the tape a couple weeks ago and said it would be almost impossible for a cassette player to "eat" a tape like that. In fact, said the expert, the tape had been cut crudely.



The second plot twist involves the FBI. Mr. McDermott had requested that the FBI investigate the case. I figured the FBI would be hot on the trail, trying to figure out how that key piece of evidence in an important trial was destroyed.

So I spoke to FBI agent John Warren in Santa Ana. He said he already had sent a report to Washington. This report, however, did not address the topic of the damaged tape.

That's an "irrelevant question," agent Warren said. Agent Warren added that he found the county's explanation about what happened to the tape "a very logical one."

Yes, you heard me correctly. Well, all I have to say is that if agent Warren is willing to buy that one, I have some swamp land I'd like to talk to him about. See, isn't this a great mystery story? It's got everything. Violence, intrigue, suspense and, thanks to Agent Warren, humor.

Now, I just wish it had something else: some real answers.

This brings our story up to date. I do, however, have a plot twist or two to report.

Now, this case isn't looking too good for the county. So you might think the county would be very anxious to settle it, thus saving the taxpayers from having to pay \$750,000 in damages.

And as a matter of fact, the county had such a chance a week ago. Kevin McDermott, attorney for Mr. Eaves, offered to drop the case for a mere \$50,000.

The county said no. I was astounded. I called county officials. Surprise, surprise, they declined to comment.

So I did a little more research and discovered there was a condition to Mr. McDermott's offer. In addition to paying \$50,000, he also wanted the county to turn the mysteriously damaged tape over to the US Justice Department for an investigation of whether key evidence was tampered with.

Now, you don't suppose that condition was the REAL reason the county turned down the settlement, do you?

Before there was Rodney King, there was Lawrence Joseph Eaves. The only real difference between these cases is that the recording of Joe's beating was not captured on a video cam belonging to a tourist. Joe's beating was captured live on the Orange County Sheriff's jail surveillance security cameras. When the tapes proved to be too damning, the Sheriffs pulled a stunt last seen years before in the Watergate scandal; a portion of the tape capturing the assault upon Joe was destroyed by a crude cut and paste job!

Joe had begun his evening that July night as he had many others. After a long day of work as a residential handyman, Joe was known to tip a few. On this evening, Joe placed telephone calls on the County's 911 service. Not amused, Orange County Sheriffs Deputies responded to Joe's home and promptly took him into custody. It was while at the Orange County Jail that the stories on the events of the evening differ wildly.

Joe was always insistent that he had behaved at the jail and responded appropriately to all of the commands of the jail staff. At a point in the evening, Joe claimed that the staff grabbed him by the shoulders and threw him to the floor while handcuffed, resulting in numerous facial injuries. The staff, on the contrary, painted a picture of an individual grossly abusive and physically threatening. The staff claimed that Joe got his injuries when he lunged at one of the deputies and the deputy merely stepped out of harm's way.

Joe sought out the services of attorney Kevin Barry Mc Dermott. Mc Dermott informed Joe that the odds looked stacked against him but he did know of a way to corroborate Joe's story. Because Mc Dermott had a prior criminal case in which some of the evidence in the trial came from these same security cameras, Mc Dermott agreed to take the case provided the security tapes supported Joe's story. Joe accepted this condition.

Mc Dermott received a copy of the tapes only after months of stalling tactics by the County. When the copies were finally released, it was obvious that Joe's version of the events was probably correct. However, the copy of the tape from the camera with the best angle on the events began to feature a blizzard in the jail shortly before the assault. The blizzard mysteriously disappears after Joe is taken to the infirmary.

After more stalling and court imposed sanctions, the County finally agreed to release the original tape recording to a University of Southern California video expert for examination. His findings stunned the public and the legal community. Not only had the tape been destroyed, it had been intentionally cut and spliced; the expert opined that the culprit used *Elmer's Glue* to splice the tape back together. Needless to say, the County wanted to settle, which this case did under a settlement agreement that is confidential to this day.

Mc Dermott has his practice in Tustin, California. He can be reached through his toll free number 800 723-6580 or at his e-mail address, [warlawyer@aol.com](mailto:warlawyer@aol.com). In addition to practicing in all of the state and Federal courts of California, Mc Dermott is licensed to practice before the United States Supreme Court and the Court of Appeals for the Armed Forces.