

Arrested deputy gets verdict for \$600K

Amount includes \$400K in 'nominal' damages

By **BRENDAN KEARNEY**

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A Baltimore jury has awarded \$600,000 — two-thirds of it in “nominal” damages — to a deputy sheriff who was arrested by a city police officer in May 2008 while both were responding to a call concerning the mentally ill brother of the deputy’s friend.

The verdict, returned Wednesday after a three-day trial and about two hours deliberation, was in Arthur “Barry” Phillips’ favor on all six counts: assault, battery, false arrest, false imprisonment, a violation of state constitutional rights and false light defamation.

“We destroyed every one of their witnesses,” Phillips’ lawyer, Adam Sean Cohen, said after the verdict. “The jury didn’t believe any of them. They were all exposed.”

Speaking outside the **Baltimore City Circuit Court**, Phillips, the 46-year-old father of four, said his May 2008 arrest was “a very trying experience for me and my family and my wife.” He called the verdict “huge.”

“I haven’t gotten it in my hands yet,” Phillips said of the award, but any money that eventually comes in will go to “trust funds and stuff like that.” He said he would have to discuss it with his wife, who testified at trial.

“See what we can do to help our children and help ourselves,” he said.

The Local Government Tort Claims Act generally limits the city’s liability to \$200,000 per incident, according to Cohen’s co-counsel, Matthew E. Bennett.

The award of \$400,000 in nominal damages, which are generally a small-dollar substitute for an actual damage award, seems oxymoronic.

While the suit originally requested compensatory and punitive damages totaling \$1 million, the question of punitive damages was not on the verdict sheet supplied to the jury by Judge Audrey J.S. Carrion.

The assistant city solicitor who argued at trial on behalf of the defendant, Sgt. Michael Pool, did not return a call Wednesday, and City Solicitor George Nilson had not yet heard of the result.

“I’m sure there will be post-trial motions,” he said. “It sounds awfully high for the circumstances.”

Crisis response

Phillips, a 16-year veteran of the city sheriff’s office, claimed he responded — in his marked car — to the Northwest Baltimore home of a longtime friend who had called about his brother, Powell. Phillips called **Baltimore Crisis Response Inc.**,



RICH DENNISON

Deputy Sheriff Arthur ‘Barry’ Phillips is flanked by his attorneys, Adam Sean Cohen (left) and Matthew E. Bennett, after the jury’s verdict in Baltimore City Circuit Court.

whose Mobile Crisis Team made its way to the Bowers Avenue house and also called 911, the suit states.

Phillips alleged that he and the Mobile Crisis Team members were flanking Powell on the porch when Pool and other officers arrived.

But Pool did not appreciate Phillips’ presence and, after arguing a bit, placed the deputy sheriff under arrest. (Powell was eventually arrested as well.)

“He Mirandized my guy to humiliate him,” Bennett said Wednesday.

Phillips was eventually taken to the Northwest precinct where he was eventually released into the custody of other deputy sheriffs, who let him go. No criminal charges were filed, nor did he suffer any consequences at work. Colleagues stopped by the city circuit court to ask about his case Wednesday afternoon.

The defense witnesses included Pool, frequent

police expert Charles Key and Powell.

“That was one of the most insulting aspects of the case,” Cohen said of the defense’s decision to call Powell.

The plaintiff’s case relied in part on the testimony of the crisis team responders, including a doctor.

“The key to the case ... is we had two independent witnesses, two witnesses who had no ax to grind whatsoever,” Cohen said. “Their testimony was unimpeached.”

Asked if the verdict would stand, Bennett paused. “We’ll respond when they file their motions, if they file their motions,” he said.

“The nominal damages instruction, I might add, was requested by the defense.”

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