

Police officer owes \$50K for arrest of 13-year-old

Lawyer says verdict follows defense offer of \$5K settlement

By STEVE LASH

Steve.Lash@TheDailyRecord.com

A Baltimore jury has awarded \$50,000 to the mother of a then-13-year-old boy who said he was chased down, punched and ultimately released by a city police officer, only to be detained again without charges after the teen sought treatment for his injuries.

Defense attorneys for the officers had offered \$5,000 in settlement of the litigation, said Matthew E. Bennett, a lawyer for the mother and son.

"I think in cases like this, a certain amount of money is necessary to compensate the plaintiff for the entire ordeal," Bennett said. "I don't think \$5,000 is adequate for that purpose."

The Baltimore City Circuit Court jurors rejected a battery claim against Officer Dale Mattingly Jr. but found him liable for false arrest and false imprisonment, as well as violating Tavon Cooper's civil rights under the Maryland Constitution. The jury found Mattingly's patrol partner, Warren Benn, not liable in the July 15, 2011, incident.

According to the plaintiffs' testimony, Tavon was walking to his grandparents' house on Hollins Street in the early afternoon when Mattingly drove the marked patrol car beside him. Mattingly, with Benn seated beside him, shouted "come here" to Tavon, who continued walking, the plaintiffs said.

Tavon ran when Mattingly exited the car, and the two officers gave chase. They caught up to the boy as he was climbing a fence behind a nearby fire station.

Mattingly, the mother claimed, grabbed Tavon from the fence and brought him to the concrete ground. The officer then punched the 90-pound teenager in the face and handcuffed him, according to the lawsuit.

Mattingly and Benn then "threw" the boy into the patrol car and drove to the Southwest District police station, the complaint stated. The officers then drove Tavon to his grandparents' home as they responded to a report of a nearby shooting.

The grandfather, seeing the boy's injuries, sought assistance at a nearby fire station, where a firefighter called for an ambulance. The ambulance took Tavon to

the University of Maryland Medical Center, where he was treated for bruises to the forehead and cheek.

Mattingly, who learned that Tavon was taken to the hospital, arrested the boy and took him to the Juvenile Justice Center for booking. But no charges were ever filed.

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Lawyer

The officer denied claims of wrongdoing, saying Tavon's injuries did not result from a beating. Mattingly said he validly stopped Tavon the first time after seeing the boy in possession of marijuana.

The boy was released to his mother, Nicole Young, at 2 a.m. on July 16, 2011.

On July 13, 2012, Young filed a \$2 million lawsuit in Baltimore City Circuit Court, alleging battery, false arrest, false imprisonment and violations of articles 24 and 26 of the Maryland Constitution's Declaration of Rights. The articles ensure due process and protect against seizures without warrant.

The weeklong trial began on Jan. 7 with jury selection and ended Tuesday with the jurors' \$50,000 verdict against Mattingly.

"We're satisfied that the jury listened carefully and came up with compensation that they felt was appropriate in the circumstance," said Bennett, a Silver Spring solo practitioner. "If the [police] department wants to take notice, that's up to them."

C. Justin Brown, of The Law Office of C. Justin Brown in Baltimore, was Bennett's co-counsel in the case.

Attorneys for Mattingly did not return telephone messages seeking comment Wednesday. The officer was represented by Christopher R. Lundy, of the Baltimore City Law Department, and Nicholas E. Johansson, of Whiteford Taylor Preston LLP in Baltimore.

YOUNG V. MATTINGLY

Court: Baltimore City Circuit Court

Case No.: 02C13184396

Judge: Emanuel Brown

Outcome: Jury Verdict (\$50,000)