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LEE GULLIVER
DANA McRAE

ASSISTANTS

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda June 2, 1998

To: The Board of Supervisors

Re: Claim of   Armando Garcia, Jr., No. 798-128

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

1. X Deny the claim of Armando Garcia, Jr., No. 798-128 and refer to County Counsel.

Deny 2. the application to file a late claim on behalf of _____ and refer to County Counsel.

Grant 3. the application to file a late claim on behalf of _____ and refer to County Counsel.

4. Approve the claim of _____ in the amount of _____ and reject it as to the balance, if any, and refer to County Counsel.

5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By _Janet McKinley_

COUNTY COUNSEL

By _Ellen Lewis_

LTRQ.WPT

PER 5107 Rev. 4/97

ARMANDO GARCIA, JR.,] Case No.:

 Claimant,] CLAIM FOR DAMAGES

 ]

v.]

 ]

COUNTY OF SANTA CRUZ.]

 Respondent(s).]

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TO THE COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS, CLERK'S OFFICE:

  County of Santa Cruz, Clerk of the Board
  701 Ocean Street, Rm. 500
  Santa Cruz, California 95062

  Pursuant to Section 910, et seq., of the Government Code, ARMANDO GARCIA,

JR., hereby presents his claim for damages against the COUNTY OF SANTA CRUZ:

  (a) <u>Name and Address of Claimant:</u>

   Armando Garcia, Jr.
   c/o Law Office of Stuart Kirchick
   333 West Santa Clara St., Ste. 602
   San Jose, California 95 113

  (b) <u>Addresses To Which Notices Are To Be Sent:</u>

   Stuart D. Kirchick
   Law Office of Stuart Kirchick
   333 West Santa Clara St., Ste. 602
   San Jose, California 95 113

  (c) <u>Circumstances Of Occurrence:</u>

  On or about October 22, 1997, ARMANDO GARCIA, JR. was contacted by a

Deputy Officer for the Santa Cruz County Sheriffs Department. During said contact, the

County Deputy intentionally, recklessly, and/or negligently discharged his firearm

shooting a bullet into the neck of GARCIA. During said time and place, GARCIA had

no weapons on this person and no one's life was being imminently threatened.

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As a direct and proximate result of the County Deputy's conduct, GARCIA received substantial injuries requiring immediate medical treatment and care. During the time that GARCIA was cared for by various medical health practitioner's, GARCIA was in custody and under the control of the County of Santa Cruz.

As a direct and proximate result of the aforementioned injuries to his neck, ARMANDO GARCIA, JR. did incur medical expenses for his treatment although he was in the custody and care of the County of Santa Cruz. Said healthcare practitioners are billing ARMANDO GARCIA, JR. directly for reimbursement of those medical expenses which law is the border of the County due to his custodial status.

As a further direct and proximate result of the aforementioned injuries, ARMANDO GARCIA, JR. did suffer general damages for pain and suffering, all according to proof.

(d)   Discovery of Injuries:

The officers are responsible for GARCIA's injuries are unknown at this time. However they are known to the County of Santa Cruz Sheriffs Department.

(d)   Name of Public Employee Causing Injury:

Unknown.

(e)   Jurisdiction of Claim:

Claimant demands settlement of this case in the amount of $100,000.00 in order to compensate him for his actual damages that he is now being billed for of approximately

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$20,000.00 of medical expenses and for his general damages of pain and suffering and

permanent disfigurement due to scarring.

Dated: April 22, 1998

STUART D. KIRCHICK,
Attorney for Claimant

211