

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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CHIEF ASSISTANTS

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda OCTOBER 27, 1998 ASSISTANTS

To: The Board of Supervisors

Re: Claim of JAKE SYMINGTON, NO. 899-043

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 JAKE SYMINGTON and refer to County Counsel. NO. 899-043
- 2 . Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- 3 . Grant 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: ART DANNER, DISTRICT ATTORNEY

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elaine Lewis

LTR9.WPT

PER 5107 Rev. 4/97

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1 ROBERTS & ELLIOTT
2 55 S. Market Street
3 Suite 1616
4 San Jose, CA 95113
5 Telephone: (408) 275-9800

6 Attorneys for Claimant



8 Claim of)

9 JAKE SYMINGTON,)

10 v.)

11 CITY OF SANTA CRUZ, COUNTY)
12 OF SANTA CRUZ.)

CLAIM AGAINST
GOVERNMENT ENTITY
(Govt' Code 910)

13
14 To CITY OF SANTA CRUZ, COUNTY OF SANTA CRUZ

15 YOU ARE HEREBY NOTIFIED that JAKE SYMINGTON, whose mailing
16 address is 1219 Seabright Avenue, Santa Cruz, California, claims
17 damages in an amount sufficient to involve jurisdiction of the
18 Superior Court, such damages computed as of the date of presentation
19 of this claim.

20 This claim is based upon personal injuries and damage sustained
21 by Claimant on or about May 12, 1998 at or near the Santa Cruz
22 government facilities, under the following circumstances: JAKE
23 SYMINGTON was placed under arrest by Officer Medina of the Santa Cruz
24 Police Department. The arrest was made as a result of Officer Miley
25 of the Santa Cruz Police Department showing a witness a photo of a
26 person believed to be Jason Leonard. The witness identified Jason
27 Leonard as a burglar suspect. However, Officer Miley reported that
28 the photo of Jason Leonard was actually that of JAKE SYMINGTON.

1 JAKE SYMINGTON was held in custody from May 12, 1998 until
2 June 1, 1998. His custodians included the CITY OF SANTA CRUZ and the
3 COUNTY OF SANTA CRUZ. During the period JAKE SYMINGTON was in
4 custody, he was charged with and prosecuted with a felony with
5 special allegations in Santa Cruz Municipal Court Action #S8-08968 by
6 the Santa Cruz District Attorney, Arthur Danner III.

7 Such acts and/or omissions on the part of said public entity
8 were negligent or otherwise such that liability was incurred.

9 The name(s) of the public employee(s) causing or contributing to
10 the injuries, damage and loss for which this claim is made are
11 Officer Miley, Officer Medina, Arthur Danner III, Toni Allen, and
12 other persons unknown to Claimant.

13 The injuries, damage, and loss for which this claim is made, so
14 far as is now known, include, but are not limited to, unlawful
15 arrest, unlawful restraint, unlawful prosecution, and resulting loss
16 of ability of movement, humiliation, fear, and distress.

17 The basis of this claim includes, but is not limited to, damages
18 for emotional distress.

19 All notices and communications with regards to this claim should
20 be sent to:

21 **ROBERTS & ELLIOTT**
22 55 S. Market Street
23 Suite 1616
24 San Jose, CA 95113
25 Telephone: (408) 275-9800

26 DATED: 5-23-98

27 By: 

28 JAMES K. ROBERTS
Attorney for Claimant