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✿ (</subscribe/digital/>) \$8.2 Million Awarded for Florida Malicious Prosecution

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A Florida federal jury awarded a former employee of Brinks, Inc. \$8,261,050 for malicious prosecution by Brinks' failure to provide complete information and withholding important evidence from the police regarding a theft. In 1996, while plaintiff was an employee of Brinks, \$350,000 in cash was discovered missing from Brinks' Palm Beach facility. Using surveillance video of the plaintiff and co-workers in the hours just prior to the cash being reported missing, the Palm Beach County Sheriff's Department arrested the plaintiff for the theft.

The plaintiff was jailed for six months before he was tried and acquitted of the charges in June of 1997. The plaintiff then sued Brinks, alleging it caused a malicious prosecution by only showing police select portions of two of 23 available camera angles. He claimed there were other camera angles that would have exonerated him.

A former Brinks manager testified that Brinks' security director did not want the loss documented in Miami, where the shipment originated, because he was already facing unacceptable losses in that city. Only information directing the police investigation to Palm Beach was provided to police. The security director showed police an overhead view of Brinks' check-in counter with the plaintiff handing bags to the cashier. Time-lapse video showed one frame with a moneybag on the counter and another frame with the money not on the counter. The security director told police, that's where he takes the money.

The plaintiff claimed that other surveillance tapes showed the moneybags at issue being placed in Brinks' vault, but that was not shown to police. After plaintiff's criminal trial, one of the surveillance tapes was lost. In rendering its verdict in this civil case, the jury specifically found there was bad faith on the part of Brinks regarding the missing tape.

The \$4,000,000 punitive damage award included in the verdict shows the jury was outraged at Brinks' part in sending a man to jail for six months for a crime he did not commit. No doubt the conditions of the Palm Beach County Detention Center had an impact on that award.

The plaintiff testified he lived in a very small, overcrowded area with 40 men and was involved in several confrontations. The exercise area was covered, so he had no direct sunlight for six months. Additionally, the open eating, sleeping and bathroom facilities were unsanitary. The food was of very bad quality. The plaintiff alleged emotional and financial damages from his stay in jail.

On October 3, 2003, after a six-day trial, the jury awarded plaintiff \$8,261,050, including \$4,000,000 in punitive damages. He was represented by Daren Stabinski and Todd Stabinski in Miami and Pamela Beckman in North Miami Beach. See: *Martinez v. Brinks, Inc.*, USDC, Southern District of Florida, Case No: 01-8393CW.
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Martinez v. Brinks, Inc.

Year	2003
Cite	USDC, Southern District of Florida, Case No: 01-83
Level	District Court
Conclusion	Jury Verdict
Attorney Fees	0
Damages	0
Injunction Status	N/A

