

COURTS

Brink's courier to get \$8.3 million

BY JAY WEAVER

jweaver@herald.com

Brink's courier Mario Martinez spent six months in jail before he was acquitted of stealing \$350,000.

Now Brink's must pay Martinez \$8.3 million for "maliciously" prosecuting him after a federal jury found late Thursday that the company sought criminal charges without probable cause.

On Dec. 10, 1996, Martinez and another Brink's employee hauled 91 bags from the company's Miami vault to the

company's Riviera Beach office — including one containing \$350,000 that belonged



MARTINEZ

to First Union Bank. But the bag somehow disappeared at the distribution branch.

A stop-action videotape showed Martinez putting the bag on a counter at the office and then showed the bag missing. But in 1997, jurors acquitted him

because the tape never showed Martinez carrying the bag out of the office.

Brink's "made the authorities believe the videotaped evidence showed something that it really didn't," said Martinez's lawyer, Daren Stabinski.

The eight-person Miami jury awarded Martinez \$4.26 million in compensatory damages and another \$4 million in punitive damages Thursday.

Brink's said the decision to charge Martinez with grand theft was made by Palm Beach

County detectives and prosecutors and not because of anything the company did.

Peter Walsh, a Brink's attorney, said Friday that the company "feels it's inappropriate to comment right now."

Martinez, 40, who came to the United States in 1994, lives in Miramar.

"He's grateful for the U.S. justice and jury system, because in his native Cuba he would not have had a chance to prove his innocence and seek compensation," Stabinski said.