

Sua Law Group APC

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March 4, 2024

SENT VIA CERTIFIED U.S. MAIL

Receipt No.: 7018 0680 0001 8796 6180

Clerk of the Board of Supervisors
County of Ventura
800 S. Victoria Ave., #L1920
Ventura, CA 93009

Our Client: Tony Garcia (Inmate No. 2165242)
Date of Incident: 11/19/2024
Location: Todd Road Jail Facility

County of Ventura

MAR 07 2024

Clerk of the Board

Received

MAR - 8 2024

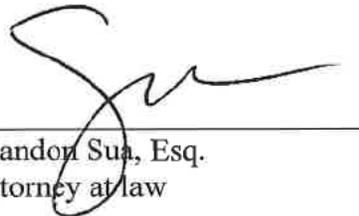
Risk Management

Dear Clerk of the Board of Supervisors:

Attached for your review is a Claim for Damage or Injury Form along with corresponding attachments in reference to an incident that took place at the Todd Road Jail Facility involving our client, Mr. Tony Garcia, on November 19, 2024. Please review the attached documents and respond in writing within 45 days of the date of this letter.

Please direct all future communications and correspondence to our office. Should you have any questions, we can be reached by Phone: (805) 842-2000, Fax (805) 842-2001, or Email at sua@lawyer.com and cc: criminal@sualawgroup.com

Respectfully yours,



Brandon Sua, Esq.
Attorney at law

Claim for Damage or Injury

Use Black or Blue Ink or Type
Attach Additional Pages if Necessary

Mail Claim To:
Clerk of the Board of Supervisors
County of Ventura
800 S. Victoria Ave., L#1920
Ventura, CA 93009

County of Ventura

MAR 07 2024

Clerk of the Board Stamp
Clerk of the Board

CLAIMANT, NOTIFICATION AND GENERAL INFORMATION

CLAIMANT FULL NAME		CLAIMANT ADDRESS (REQUIRED)
TONY GARCIA C/O BRANDON SUA, ESQ.		1445 E. LOS ANGELES AVE. SUITE 303 SIMI VALLEY, CA 93065
PERSON TO BE NOTIFIED OF ANY ACTION TAKEN ON CLAIM		NOTIFICATION ADDRESS (IF DIFFERENT THAN ABOVE)
BRANDON SUA, ESQ.		SAME AS ABOVE
CLAIMANT DATE OF BIRTH	MEDICARE BENEFICIARY	PHONE NUMBER(S)
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	805-842-2000
DATE OF ACCIDENT	ACCIDENT TIME AM/PM.	EMAIL ADDRESS (OPTIONAL)
11-19-2023	6:10	SUA@LAWYER.COM

PLACE OF ACCIDENT (COMPLETE ADDRESS AND DESCRIPTION TO LOCATE ON A MAP)
TODD ROAD JAIL - 600 S. TODD ROAD SANTA PAULA, CA 93060
UNIT D, SECTION 6, CELL 11

PROPERTY DAMAGE

DESCRIBE PROPERTY DAMAGE CLAIMED, INCLUDING LOCATION, NATURE OF DAMAGE, CAUSE AND HOW VALUE IS CALCULATED:
N/A

Received
MAR - 8 2024

PERSONAL INJURY

STATE THE NATURE AND EXTENT OF CLAIMANT'S INJURY WHICH FORMS THE BASIS OF THIS CLAIM:
SEE ATTACHED

Risk Management

LIABILITY

INDICATE HOW THE ACCIDENT HAPPENED, WHY YOU FEEL THE COUNTY IS LIABLE AND NAME OF INVOLVED COUNTY EMPLOYEE(S):
SEE ATTACHED

AMOUNT OF CLAIM

PROPERTY DAMAGE:	Personal Injury \$:	TOTAL AMOUNT OF CLAIMS:
N/A	204,420.00 (ongoing)	TBD within jurisdiction of Superior Court to include punitive and non-economic damages (loss of earnings, pain & suffering, etc.)

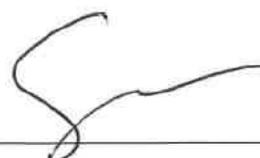
WITNESSES

NAME(S)/ADDRESS(ES):
SEE ATTACHED

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIMS OR MAKING FALSE STATEMENTS

Every person who, with intent to defraud, presents for allowance or payment any false or fraudulent claim is guilty of a felony. (See California Penal Code §72).

I DECLARE UNDER THE PENALTIES OF PERJURY OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS CORRECT AND THAT THE AMOUNT OF THIS CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT DESCRIBED ABOVE.

X  3/2/24

SIGNATURE OF CLAIMANT DATE

Description of complaint: See attached for details. Witnesses and potential defendants include, but are not limited to the following: INMATE RICHARD PULLILDO (2155428)

INMATE AARON HART (2180014) (RELEASED FROM CUSTODY)

DEPUTY MICHELLE VENEGAS (5960) (TRJ SST HUB CONTROL BOOTH CLASSIFICATION UNIT)

SECURITY DEPUTY MARCOS BORJA (4472) (SPECIAL SERVICES MAJOR CRIMES) (805) 933-8501

DEPUTY JESSICA TEETSEL (5613) (TRJ DETENTION, CLASSIFICATION UNIT)

DEPUTY GRANT TOROSSIAN (5769) (TRJ DETENTION, CLASSIFICATION UNIT)

SERGEANT JASON CANTRALL (2631/2361) (VCSD MAJOR CRIMES BUREAU)

SERGEANT ALBERT RAMIREZ (3175) (VCSD MAJOR CRIMES BUREAU)

NURSE JUSTIN RAMIREZ (TRJ PILL CALL)

FACILITY NURSE ISAIAH GONZALES (FC 1564) (TRJ)

WATCH COMMANDER SERGEANT L. JOHNSON (TRJ)

DEPUTY CHARLES GRAY (3446) (TRJ SST CLASSIFICATION UNIT)

SENIOR DEPUTY FUCHS (TRJ)

DEPUTY HERNANDEZ (5789)(TRJ)

DETECTIVE SERGEANT ALBERT RAMIREZ (3175)(VCSD MAJOR CRIMES)

FIELD EVIDENCE TECHNICIAN ORANTES (4557)(TRJ)

DEPUTY KEVIN CASTANEDA (5670) (TRJ DETENTION, CLASSIFICATION UNIT)

DETECTIVE ROBERT DELACERDA (4662) (VCSD MAJOR CRIMES)

DETECTIVE GERARDO CRUZ (4727) (VCSD MAJOR CRIMES)

DR. RICHARD CEGELSKI (VCMC ER)

DR. HERMAN (VCMC NEUROSURGEON)

RESIDENT NURSE KEVIN BRAVER (VCMC ICU)

DR. AHOUBIM (VCMC ICU)

DEPUTY JOHN MCGILL (5575)(TRJ DETENTION, CLASSIFICATION UNIT)

DEPUTY VICTOR FLORES (3281)(TRJ SECURITY)

DEPUTY TRAVIS REIDY (5469)(TRJ DETENTION, CLASSIFICATION UNIT)

DEPUTY DELACRUZ (5305) (TRJ SST, HUD CONTROL BOOTH)

ATTACHMENT TO CLAIM FOR DAMAGE OR INJURY

The circumstances summarized below directly led to the injuries and damages to the claimant and were a direct result of the intentional or negligent, dangerous and unsafe conditions/situation(s) which claimant Tony Garcia was subjected to by the acts or failure to act by Defendant(s), and each of them. Correctional facilities are required to classify and house inmates in a manner that maximizes security and safety. Mr. Garcia presents a unique risk due to the nature of the charges against him. As a result, Mr. Garcia requires more segregation, monitoring and supervision than inmates in the general population, and inmates incarcerated for non-violent crimes.

Mr. Garcia has a serious need to be segregated away from other inmates at all times for security reasons and to protect him from harm. However, the Ventura County Sheriff failed to protect Mr. Garcia as he was housed with cellmates, each of who violently attacked Mr. Garcia while he slept. It is clear that jail officials are aware that inmates and cellmates pose a serious threat against Mr. Garcia's safety as evidenced by the first attack (summarized below). Clearly, this need to prevent re-occurrence of violent attacks against Mr. Garcia has not been met as facility personnel have unreasonably failed to protect Mr. Garcia in a minimally adequate manner and away from harm. The lack of adequate inmate supervision and failure to properly segregate Mr. Garcia from other inmates is compelling evidence of Todd Road Jail's inability to keep its inmates safe.

Defendants, and each of them, knew, or should have known, that the consequences of their conduct were substantially certain to result in significant injury and/or possible death to Mr. Garcia. Despite the Ventura County Sheriff Department having knowledge of said risk, Defendants, and each of them, conducted themselves in such a negligent, illegal and irresponsible manner that was consistent with said conscious disregard for the basic safety and rights of others, in full awareness at all times of the probable dangerous consequences of their actions as they willfully and deliberately failed to protect Tony Garcia from these avoidable horrific consequences.

It is evident that jail officials were deliberately indifferent to their affirmative duty to protect the physical safety of Mr. Garcia as they had actual knowledge of impending harm that was easily preventable, which is a direct violation of Mr. Garcia's Eighth Amendment rights. The lack of concern for Mr. Garcia's safety has caused him serious harm and a continuous disregard for the obvious and significant risks within jail officials' power to address will likely result in death.

SUMMARY OF FACTS

On February 7, 2023, inmate Tony Garcia (#2165242) was arrested and charged with two (2) counts of first degree pre-meditated murder, one (1) count of kidnapping, and one (1) count of rape. Mr. Garcia was denied bail and transferred to Todd Road Jail and housed in Unit D (Protective Custody Inmates), Section 6 (Violent Crime Protective Custody Inmates), Cell 11 while awaiting trial.

Assault 1:

On or about April 15, 2023, at approximately 9:00 p.m., inmate Tony Garcia (#2165242) was violently assaulted by his cellmate in Unit D, Section 6, Cell 11. The cellmate (name unknown) pushed Mr. Garcia against the cell door causing Mr. Garcia to fall to the floor. Mr. Garcia was able to call for assistance through the emergency button within each cell. Officers transferred Mr. Garcia's cellmate (name unknown) to another cell within the same Section. Mr. Garcia remained in Cell 11.

Less than two (2) weeks later, on or about April 30, 2023, inmate Richard Pullido (#2155428) was transferred into cell 11 with Mr. Garcia.

Assault 2:

Two (2) days after Mr. Pullido was transferred into Cell 11 with Mr. Garcia, on or about May 2, 2023 at approximately 10:10 p.m., inmate Pullido (#2155428) violently assaulted Mr. Garcia while Mr. Garcia was asleep. Inmate Pullido admitted to attacking Mr. Garcia and stabbing Mr. Garcia in the neck and face. Mr. Garcia was taken to the hospital to be treated for serious and life-threatening injuries. Medical records (attached) show Mr. Garcia suffered a 6cm laceration to the right side of his neck as well as multiple lacerations to his left cheek. Mr. Garcia received sutures for his wounds and was cleared to return to jail. Mr. Garcia was ordered to return to the same Unit (D), same Section (6), and back into the same Cell (11). The District Attorney's office filed criminal charges for attempted murder against Inmate Pullido and he is currently awaiting trial (Case #2023010785).

Approximately two (2) weeks later, on or about May 20, 2023, Mr. Garcia was transferred to Unit B, Section 2, Cell 11, and housed with another cellmate, inmate Aaron Hart (#2180014).

Assault 3:

On or about November 19, 2023, at approximately 6:55 a.m., Mr. Garcia suffered a third violent assault by his cellmate, inmate Aaron Hart (#2180014). Inmate Hart violently attacked Mr. Garcia while he slept by punching him in the head and face. Mr. Garcia was transferred to Ventura County Medical Center for severe and life-threatening injuries, including but not limited to, traumatic brain injury, left orbital fracture, nose fracture, right clavicle fracture, subdural hematoma, two brain bleeds and severe upper lip cuts. Since his return from the hospital to Todd Road Jail, Mr. Garcia is currently being housed in the HPU Medical Unit in a single cell.

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