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Editor's Choice: Top Five Legal News Stories of the Day

December 28, 2011 By David Baarlaer

Here are some news items we thought would interest you.

- **Parents win record-setting \$150 billion over son's injuries, death.** For Robert Ray "Robbie" Middleton, the fun and happiness that comes with a birthday didn't last long. About two weeks before his eighth birthday back in 1998, he was sexually assaulted, allegedly by 13-year-old Willburn Collins. On his birthday, Collins allegedly tied Middleton to a tree, poured gas on him and set him on fire. Middleton managed to escape, but suffered serious burns over his body. He died of skin cancer this past April; he was 20 years old. As for Collins, he's now 26 and in prison – but **not** for the assaults on Middleton!



Collins was investigated in connection with the sexual assault and burning incidents, but he was never charged with the crimes committed against Middleton. That's because, investigators claim, there was little physical evidence and Middleton's injuries made it impossible for him to explain what happened.

Middleton's parents filed a lawsuit against Collins, and the jury listened to their attorney who asked that it award a huge, symbolic verdict and send a message to local **prosecutors** prompting them to charge Collins with the assaults on Middleton. Hopefully, prosecutors hear the message, take another look at the evidence and, if the evidence is there, put Collins on trial. Not only will it give Middleton's parents the peace of mind and closure they need, but it will make sure Collins stays behind bars.

- **More trouble at Sheriff Joe's jail.** File this one under "When it rains, it pours." You've heard of "Sheriff Joe" Arpaio. "America's Toughest Sheriff" is perhaps best known for his "tent city" jails and tough stance on immigration. His hardline stance makes him a target of scrutiny, and lately things haven't gone well.



Several days ago, **we told you about** a federal investigation of all sorts of abuses going on in the sheriff's department. Now, a **lawsuit has been filed** (PDF) by an inmate claiming he was beaten by a sheriff's deputy on Christmas Eve. He says the beating was witnessed by department employees and caught on surveillance cameras – the same cameras in the same jail where **another inmate was tased** on December 16. He died on December 20.

Most of us want "tough" cops who are willing to do the difficult and often thankless job of keeping us safe. Within limits. Whether it's **excessive force** or **breaking into the wrong house**, the police have rules to follow when doing their jobs. No matter how difficult their jobs are, they must be held accountable when they break those rules and **someone gets hurt** or their property is damaged.

- **Starbucks' clean floor costs it \$7.5 mill for customer's injuries.** A store manager finished mopping the floor of his San Diego area Starbucks. Moments later, Anthony Zaccaglin made the short walk from the cashier to the pick-up counter to get his order, crossing over the freshly mopped floor. Zaccaglin slipped and fell, hitting his head during the fall.

Zaccaglin later filed a [personal injury lawsuit](#), claiming he developed complications from head injury, making it impossible for him to return to work as a chiropractor. A jury recently awarded Zaccaglin \$7.5 million to compensate him and his family for lost income, medical expenses and the loss of enjoyment of life. The case is a good example of how [property owners](#) owe a duty to keep their premises safe. It should also serve as a good reminder for us all to be careful and to be on the look out for hazards, no matter where we are.

Read more about [slip-and-fall accidents](#), [head and spinal injuries](#) and [personal injury laws](#) in your state.

- **Crash victim's family wins \$8.8 million.** Myriam del Socorro Lopez was riding in a car driven by her husband, Wilson Torres. At the same time, 17-year-old Luis Cruz-Govin was traveling on the same road, only he was speeding, weaving in and out traffic **and texting!** Cruz-Govin slammed into Lopez's car; she died at the scene. Torres suffered internal injuries and a cut spanning from his chest to stomach.



Lopez's family later filed a lawsuit, undoubtedly a [wrongful death lawsuit](#) against Cruz-Govin, his father (he was driving his father's car) and their insurance company. There was evidence that:

1. Cruz-Govin was driving between 61 and 69 MPH in a 40 MPH zone
2. He made an outgoing text at 8:19 PM – paramedics were notified of the crash at 8:21
3. There was marijuana, cocaine and cough syrup in Cruz-Govin's car

Cruz-Govin was charged with [speeding](#) and [reckless driving](#), but not [vehicular homicide](#). Also, Florida doesn't have a texting-while-driving ban, but [one is in the works](#) – but it's too late for Lopez and her family. So, it seems as though the \$8.8 million jury award against Cruz-Govin is the only true justice in the case.

Think about this tragedy and [distracted driving](#) in general, and then ask yourself: Is the [NTSB's call for a full-ban](#) on using electronic devices while driving really such a bad idea?

- **Not in the running for “Boss of the Year.”** For more than 15 years, Freddie Davis worked as a nurse for Prison Health Services at the Santa Rita Jail in the San Francisco area. She had an exemplary employment record, and apparently loved her job. That all changed in 2006 when, according to her, she spoke up on behalf of herself and other nurses about race- and sex-based discriminatory treatment of the nurses by a manager for Prison Health Services.

Ultimately, Davis claimed, she was retaliated against and harassed by Alameda County Sheriff's Captain James Ayala and was forced to leave her job. In her [discrimination lawsuit](#) a jury recently awarded her over \$500K.

In today's economy, it's difficult for many to find or keep their jobs. Learn more about [work-related discrimination](#) so you don't lose your job for the wrong reasons.

Tagged as: [assault](#), [award](#), [Collins](#), [crime](#), [criminal](#), [discrimination](#), [employment](#), [Joe Arpaio](#), [jury](#), [legal](#), [Middleton](#), [news](#), [personal injury](#), [wrongful death](#)

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