

Notes on police violence

Alabama man who had hand amputated after being cuffed too tightly sues Jefferson County sheriff's deputy for excessive force

Cordell Gascoigne
30 May 2021

Pinson, Alabama resident Giovanni Loyola is suing a Jefferson County sheriff's deputy for excessive force and civil rights violations he experienced last year, alleging that handcuffs were secured too tightly resulting in the amputation of his left hand.

On February 16, 2020 a then 25-year-old Loyola was at his mother's house in the suburb of Birmingham, when three Jefferson County sheriff's deputies arrived after multiple calls were made of two men arguing and brandishing weapons.

The lawsuit alleges Deputy Godber (first name unreleased) grabbed Loyola by the wrist and forcefully removed him from the house. "Deputy Godber, without answering and without asking permission to enter the home, reached inside the doorway, grabbed Plaintiff by the wrist and jerked him outside the home and down the steps," the complaint says.

After having forced the 5'5," 132-pound man down the steps and slamming him against a car before throwing him to the ground, Godber punched Loyola in the face. Godber then placed Loyola's hands behind his back, securing them with handcuffs that were "unbearably tight." Ten months later Loyola had his left hand amputated. According to the lawsuit, Loyola, at the time of the incident, complained of the tightness of the handcuffs and that he was losing feeling in his left hand. His pleas with the arresting officer to loosen them were ignored.

On April 27, a Birmingham law firm representing Loyola—Wiggins, Childs, Pantazis, Fisher, and Goldfarb—filed an initial complaint and an amended complaint the following day. According to court documents, Godber was served with the lawsuit May 3 and was given until May 24 to respond. "The handcuffs remained tightly on Plaintiff's wrists until they were removed hours later at the jail," the amended complaint read. "After Plaintiff got out of jail on February 28, 2020, his left wrist was still in tremendous pain."

Upon Loyola's release from jail, he immediately went to Christ Health Center in Pinson to have his left hand examined. A physician noted blood flow severely restricted, furthering stating surgery was required. Loyola was then admitted to Ascension St. Vincent's East Hospital in Birmingham. Upon arrival, Loyola's fingertips were grey. According to notes from the emergency department, there was "concern for necrosis."

"Deputy Godber handcuffed Plaintiff's wrists so tightly that Plaintiff immediately lost sensation in one hand, and Deputy Godber

refused to loosen the handcuffs even after Plaintiff told him that they were too tight and were causing him pain. These actions and inactions constituted unreasonable and excessive force," Loyola's attorneys argued.

Loyola visited the hospital over the next 10 months to address restrictive blood flow and chronic pain. According to the lawsuit, complications in blood circulation ultimately resulted in the amputation of his left hand. Loyola's attorney continued, "As a result of Deputy Godber's actions, Plaintiff suffered injuries including deprivation of liberty, physical injuries including the loss of his hand, pain and suffering and emotional distress, and lost future earning potential."

Creola, Alabama

A former Creola, Alabama officer Gary Davis, a 22-year veteran of the force, has been accused of placing a rope around an inmate's neck and choking him, according to court documents. Records showed the inmate was handcuffed and lying on the floor on his stomach. Davis struck the inmate in the head and kicked him in the face.

Police Chief Frank Hammond was interviewed by NBC 15's Rachael Wilkerson but refused to go into detail about the incident. However, the indictment revealed the incident happened inside the jail on April 21. Hammond said Davis was a Creola officer for five months and often stepped in as chief when he was not available.

In the weeks leading up to the one-year anniversary of the Memorial Day police murder of George Floyd, Republican Mayor Don Nelson in the midst of popular anger over police brutality made the strategic decision to terminate Davis on May 3.

Davis has been charged with two counts of assault and was held on \$21,000 bond.

Montgomery, Alabama

Gary Moncrief, a 32-year-old African American man, died on May 18 after being shot by police outside a Microtel Inn & Suites in Montgomery, Alabama.

The incident began around 6:30 a.m. when officers were called to the 100 block of Courtland Drive in reference to a domestic violence incident, according to Montgomery Police Captain Saba Coleman. The following day, Montgomery County District Attorney Daryl Bailey issued a statement saying he did not expect any officers would face charges, reporting that the woman's teenage son reported his mother had been abducted at gunpoint.

"He saw Moncrief come into the house with a gun, chase his mother into the bathroom, heard a gunshot, then saw him pulling his mother out of the house by her hair," Bailey said. According to court records filed in February, an active order of protection was filed against Moncrief by the woman after an assault was carried out against her and her teenage son.

Warrants were issued for Moncrief's arrest on charges of kidnapping and reckless endangerment, according to Bailey. The woman told police that Moncrief demanded she go with him to Georgia but was able to convince him to return to Montgomery.

"The victim advised that Moncrief consistently would take the gun he had in his possession and put it to his head and ask, 'Is this what you want me to do?'," Bailey continued. "She also advised that he repeatedly, on multiple occasions, said, 'I'm not going back to jail.'"

"She dropped him off at the Microtel on Chantilly Parkway," Bailey said. "She was contacted by the Montgomery Police Department and was able to verify that Mr. Moncrief was located inside the Microtel."

Attorney Michael Strickland, representing Moncrief's estate and family, said during a news conference on May 19, that the Montgomery Police Department (MPD) approached Moncrief's mother regarding the kidnapping allegations. When officers asked Janice Moncrief if she would bring her son to police for questioning, according to Strickland, that is precisely what the mother was attempting to do when she witnessed her son's killing.

According to Strickland, officers arrived at the hotel in an unmarked SUV around 8:15 p.m. Janice Moncrief, along with her sister and a friend, Denita Moncrief and Tamara Acree, went to the hotel, parking near the entrance. Based on video footage from the hotel, Moncrief left his second-floor room with both hands occupied: a cellphone in one hand and an electronic cigarette in the other. "It was clear," according to Strickland, "Moncrief did not have a firearm in his hands."

Strickland said that Moncrief's mother reached across the backseat to unlock the rear door of the car for him, whereupon he started to get inside. At virtually the same time, an unmarked, black MPD SUV quickly approached the car. Strickland said Moncrief "didn't alter his actions and continued to climb into the backseat of the car."

"I'm telling you that this is what the video shows," Strickland said. "It's not my interpretation."

According to Bailey, however, upon the officers' arrival, Moncrief's body was slumped over in the backseat.

"The video shows an officer get out of the SUV with what looks to be some sort of an assault rifle, and he begins to fire into the car," Strickland said. "He gives no commands to Gary. He barely pauses. He just starts to fire into the vehicle."

According to Bailey, "You also see simultaneous to that glass flying out the back windshield of the car." Bailey continues, "Seconds after that, a Montgomery police officer points a rifle at the vehicle ... presumably the officer fires his weapon after hearing the gunshot coming from inside the car."

Three rounds, according to Bailey, were fired by the officer. However, four bullet holes were left on Denita Moncrief's car: one in the driver's side rear window where Moncrief entered the vehicle, one on the left side of the back windshield, one in a rear passenger window, and another on the rear fender.

Moncrief's fatal gunshot wound, according to a preliminary autopsy report from the Alabama Department of Forensic Sciences, came from the front, Bailey said, alleging the cause of Moncrief's death a suicide. Strickland said he later viewed Moncrief's body, having

observed a single bullet wound on the back of his head and an exit wound on his forehead.

The Moncrief family and several supporters joined attorneys Strickland and Dwayne Brown on the steps of the Heflin-Torbert Judicial Building. "I stand here today not because I want to. I stand here today to speak for my nephew," Denita Moncrief said. "He didn't deserve it. The moment we got there to get him to safety so he could tell his story, he was cheated of that time."

According to Moncrief, no shots came from the car. "Let's be really honest, we wouldn't be here if shots came out of that car." Moncrief continued, "I'm begging on behalf of my sister. That's a pain that no one should have to bear. ... Can you imagine being a parent and your child takes their last breath on your shoulder? Why does she deserve that?"

"This unfortunately was a situation in which Mr. Moncrief was murdered," Brown said. "There was no reasonable threat that he posed to any law enforcement official or anybody else. ... Why does this continue to happen to African American men?"

As the *World Socialist Web Site* noted April 19:

Racism is a factor in many police murders and accounts for the fact that blacks and Native Americans are killed at a rate disproportionate to their share of the national population. However, a previous analysis of police violence data by the *World Socialist Web Site* found that when the economic and social demographics of the cities and counties where people are killed by police are taken into account, the glaring racial disparities that are the focus of the media and the Democrats largely disappear.

Overwhelmingly, it is workers and young people—of every skin color, gender, sexuality and national origin—who are the victims of the police. This phenomenon is an outgrowth of the social and economic conditions in the United States.

Both Democratic Mayor Steven Reed, who is black, and Bailey said they were compelled to hold a news conference on May 19, addressing the suspicions surrounding the case, "to tell the facts."

Reed claimed Strickland's and Brown's address was a "false narrative," accusing the two attorneys of capitalizing on the pain and suffering of the Moncrief family. "They're pimps and hustlers," Reed said. "They're the latest charlatans, they're the latest shysters, they're the latest hustlers."

Strickland and Brown sent a statement to the mayor's office denouncing the attacks, calling for an investigation to be conducted by the Department of Justice.



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