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City cleared in man's death

Superior Court judge rules against mother whose son who died in police custody in 2005

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A Kern County Superior Court judge has ruled in favor of the city of Bakersfield and against a mother whose son died in police custody two years ago.

The verdict, handed down March 14 by Judge Sidney P. Chapin, extends a growing string of court victories enjoyed by Bakersfield and the Fresno-based law firm that has represented the city for some four years.

The lawsuit arose from a reported peace disturbance in February 2005 when 26-year-old Nicholas Sheldon Grant, also known as Nicholas Sheldon Bagsby, entered Mount Zion Baptist Church on California Avenue, wandered around the choir area and climbed onto the pulpit, police said at the time.

Grant was escorted out of the church by three men and was arrested by Bakersfield police. He later started kicking the door of the patrol car, police said.

Officers attempted to restrain Grant. He went rigid and began to have difficulty breathing, so they called an ambulance, police said. Grant was declared dead that morning at Kern Medical Center.

Police said Grant admitted to smoking PCP, but a toxicology report found no sign of drug use.

Grant's mother, Wanda Grant, sued the responding police officers, the chief of police, the department and the city. The lawsuit contended police were told Grant was mentally ill, yet the officers who responded were not trained in dealing with mentally ill people.

The suit also alleged police wrongfully caused Grant's death by using unnecessary force, beating him after he was restrained and restricting his breathing.

But Jacob Rivas, one of the attorneys with Marderisian & Runyon who represented the city of Bakersfield, said they were able to show that Grant died of a heart attack brought about by "agitated delirium."

While most often associated with people under the influence of powerful drugs, "agitated delirium" can also occur in people suffering from schizophrenia, he said.

Bakersfield City Attorney Ginny Gennaro was elated by the verdict. But the bigger picture is even more important, she said.

"In 2004, there were 28 lawsuits (against the city) pending in the federal court district in Fresno," she said. "We are now down to three."

She credited the Fresno law firm for getting baseless claims dismissed, fairly but prudently settling those cases that needed settling and successfully fighting in court cases like the Grant case.

She also cited improved training in the Bakersfield Police Department and possibly more judicious hiring practices, thereby reducing the number of excessive force incidents.

"This represents a terrific savings to the taxpayers," she said.

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