



# With Justice For All

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## “Fresno Four” Face Prosecution for Arrest of Violent Criminal

Four officers from Fresno, California, are facing a nine-count indictment that could result in 10-year prison sentences and cost each of them a minimum of \$100,000 to defend. Here are the details of the violent and fast-moving incident that led to the case, *The United States of America, Plaintiff, vs. Christopher Coleman, Paul Van Dalen, Sean Plymale, Michael Manfredi, Defendants*. It will be tried in the U.S. District Court for the Eastern District of California.



Christopher Coleman



Sean Plymale and Tymo

On October 10, 2005, the 911 emergency call center in Fresno, California, received a frantic call from Veronica Rivera. “My ex-boyfriend is trying to break into my apartment,” she screamed desperately, adding, “He says he is going to kill me.” She and her small children were cowering in a closet.

This same man, Rolando Celdon, had been stalking her for three months prior to the October episode. Only one day earlier, he had been arrested for beating Ms. Rivera and threatening to kill her. The dispatcher understood the urgency of the situation and sent out an all-points bulletin with the alert that there was a *crime in progress* with the potential of violence. Celdon had been high on drugs and alcohol when he assaulted Ms. Rivera the preceding day.

Four officers from different parts of Fresno responded to the dispatcher’s high priority call for help. Officers Sean Plymale, along with his canine, Tymo, chased the suspect; when he would not stop, Officer Plymale released Tymo to catch him. Tymo bit him on the leg. Undeterred, Celdon kept running and scaled a 6-foot barbed wire fence with the dog at-

tached to his leg! Officer Plymale used a taser gun on Celdon, which had no effect.

Officer Christopher Coleman arrived and yelled at the suspect in both Spanish and English, “Show me your hands!” and “Raise your hands!” The suspect refused to surrender or comply, and appeared ready to draw a weapon. Officer Coleman used a non-lethal bean-bag gun to make Celdon comply with his command. Officer Paul Van Dalen arrived, climbed the fence, and kicked Celdon, which finally subdued him.



Paul Van Dalen



Michael Manfredi

Sgt. Michael Manfredi appeared on the scene. He was the senior officer and ordered Officer Van Dalen to handcuff Celdon while he called for an ambulance for the suspect and for Officer Plymale, who was tending to his wounded hand and injured dog.

In his rush to complete the paperwork, Sgt. Manfredi made a few minor errors, later corrected, when gathering and writing down the details. Because of this revision, the Internal Affairs Division suspected collusion and charged him with lack of professionalism in supervising his subordinates when, in fact, he had not been present for most of the fast-paced

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## NEW CASE

episode. It was his judgment that the use of force was appropriate for the situation.

The Police Department's Internal Affairs Division concluded after an investigation that while the use of non-lethal force was proper, Officer Coleman could have used the beanbag gun two times instead of five or six. They also said that Officer Van Dalen should not have kicked the suspect, which they considered to be excessive force. The officer responded that the suspect was on the ground, disregarded commands, and attempted to get up. None of the officers had been able to get close enough to the suspect, who was strong and threatening, to frisk him for weapons.

While all four officers were terminated over the incident, three were reinstated with back pay and benefits. Celdon was convicted of one felony charge of stalking and a misdemeanor charge of battery. Three other charges against him, burglary, making a criminal threat, and domestic violence, were dropped. He was sentenced to 270 days, in addition to the more than three months he had already served.

Five years passed. In October 2010, as the statute of limitations was about to expire, a federal grand jury indicted the four officers on nine counts of violating Celdon's civil rights and obstruction of justice. Celdon had been deported as an illegal immigrant.

It is clear that a politically motivated Civil Rights Division saw an opportunity to score a victory against the police. E. Marshall Hodgkins, the attorney for Sgt. Manfredi and Officer Plymale, said that his clients are innocent of the charges and that "there will be no plea bargain." He called the indictment "one last-ditch effort to go after decorated police officers. Is this the kind of people we want to take off the streets?" Mr. Hodgkins asked. "Or do we want to take the likes of Mr. Celdon off the streets?"

LELDF, while lacking the resources of the Justice Department, will use all the means at its disposal to prove that these brave officers utilized non-lethal force in the proper way and were seeking only to subdue a violent criminal.

## CASE UPDATES



Torrey Thompson

### Torrey Thompson Wins Case After Three-Year Battle

The case against Torrey Thompson, a former officer of the DeKalb County (Georgia) Police Department, has been dismissed by the prosecutor after a favorable ruling by the Supreme Court of Georgia. Officer Thompson, a former U. S. Marine sergeant, had been charged with felony murder, manslaughter, aggravated assault, and violation of an oath by an officer

following the 2006 fatal shooting of Lorenzo Matthews during an attempted arrest.

Matthews, who had been involved in a hit-and-run incident with a stolen vehicle, refused orders by two officers to stop and show his hands. Instead, the suspect pointed a black object at them. Assuming the object to be a gun, Thompson fired at Matthews, who kept running but died later of gunshot wounds. The actions by Thompson and his fellow officers were considered justified at the time of the incident. However, two years later in 2008, a grand jury scrutinizing the DeKalb Police Department singled out this episode for further investigation.

LELDF paid the attorney fees, provided the expert witnesses, and assisted in a key legal procedure to allow Torrey to take the witness stand to tell the complete story of what had occurred. The trial judge ruled in Torrey's favor despite vehement opposition by the prosecutor. LELDF congratulates Torrey Thompson, his legal team, and you for your support, without which he would not have been victorious.



founded 1994

With Justice for All is published by the Law Enforcement Legal Defense Fund (LELDF), a non-profit, tax-exempt organization pursuant to Section 501 (c)(3) of the Internal Revenue Code. LELDF provides legal assistance in court challenges to legitimate law enforcement activity throughout the country. If you know of policemen who may need assistance, please send specific information to LELDF, 1611 N. Kent Street, Suite 901, Arlington, VA 22209 or to [lelfd@cox.net](mailto:lelfd@cox.net).

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## CASE UPDATES

### Connecticut Officers Face Excessive Force Charge in Re-trial



*Martin Praisner, Jr.*

The case of Officers **Martin Praisner, Jr.**, and **Steven Craig** of the Eastern Connecticut State University (ECSU) Police Department, which ended in a hung jury, will be retried in late June.

They face one count of conspiracy to violate an individual's civil rights and one count of violating an individual's civil rights. Each of these charges carries a maximum term of imprisonment of 10 years and a fine of up to \$250,000.



*Steven Craig*

The charges stem from an incident on September 1, 2008, when Benjamin Derosier, a violent adult who was not a student, was arrested for breach of peace and criminal trespass on the university campus. He was belligerent and uncooperative, began to tear off pieces of the wall, and threw them around the detention cell, yelling obscenities at the police officers.

Since Derosier was out of control, Officer Praisner used pepper spray, which had no effect on him. As he continued to behave violently, Officer Craig used crowd control mist, which succeeded in getting him to settle down. When paramedics examined Derosier, they found he needed no medical attention.

LELDF's expert witness, Urey Patrick, a former FBI agent and instructor at the FBI Training Facility at Quantico, Virginia, examined the evidence and testified that the officers were following regulations during the arrest. Patrick will again present this evidence at the new trial.

### Stephanie Mohr Released After Serving Sentence



*Stephanie Mohr*

In December 2001, Stephanie Mohr, a decorated K-9 officer in the Prince George's County (Maryland) Police Department, was convicted of depriving an illegal alien and criminal of his civil rights during an arrest in Takoma Park in 1995. Under orders from her superior officer, Stephanie released her canine to stop a suspected burglar, Ricardo Mendez, who was later convicted and deported.

However, the Civil Rights Division of the Department of Justice, during an investigation of the Prince George's County Police Department, indicted Ms. Mohr on civil rights violations. Her trial ended in a hung jury (11 to 1 for acquittal). During a second trial, the prosecution convinced the jury that she released her police dog because she wanted to hurt an innocent minority Hispanic. A witness testified that she used a racial epithet in a previous arrest. Although Stephanie Mohr categorically denied this baseless claim, and it was later learned that the witness had lied, the jury was composed of minority members who were unduly influenced to vote for conviction in large part because of this false charge.

Ms. Mohr was convicted and given a 10-year sentence. She began her sentence at the federal prison camp in Alderson, West Virginia, in 2003, and remained behind bars for eight long years. LELDF attempted dozens of legal maneuvers to secure her release.

Her prison sentence is now over and she is in a halfway house, where she will remain for several months. Then she will face the personal challenges of putting her life back together. We hope that she will be able to re-enter society without too many difficulties. LELDF's mission is to prevent such a travesty of justice from ever occurring again.

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## FROM THE CHAIRMAN

**T**hanks to your support, LELDF continues to assist worthy police officers who are charged for doing their job. In our latest case, four officers from the Fresno, California, Police Department have been indicted because they responded to a 911 call that a violent man was breaking into an apartment and threatening to kill his girlfriend. He was guilty as charged and plea bargained his sentence to only 9 months; the police officers who arrested him face 10-year prison sentences for allegedly violating the rights of this convicted felon, who was also an illegal immigrant.

Several of our cases have involved Title 18 of the U.S. Code, section 242, "Deprivation of rights under color of law." Essentially this means anyone in a position of authority cannot willfully deprive a person of rights or privileges granted by the Constitution or other laws of the country. Unfortunately, this statute has been twisted to a new level when it comes to law enforcement. Stephanie Mohr, who was convicted in 2001 under this law, was attempting only to do her job — catch criminals — when she asked permission to release her police dog, Valk, to catch a suspect (and illegal alien) subsequently found guilty of burglary. Race was not a factor in her mind. She was a professional, a decorated officer in the canine unit. Now, after eight years of incarceration, this brave woman is finally being released from prison. How is

she to explain why she was in jail to her son, Adam, now 10 years old?

We are pleased that the case against Torrey Thompson, formerly an officer of the DeKalb, Georgia, Police Department, has been dismissed.

Coming up soon is the re-trial of Connecticut officers Martin Praisner and Steven Craig of the Eastern Connecticut State University Police Department, who are facing charges of violating the rights of a man who was so violent that he began to destroy the holding cell and so intoxicated that he slashed his own wrists and threatened to commit suicide. Pepper spray seemed more than appropriate in this case, but not to the civil rights division of the Justice Department.



*David Martin*

LELDF is heavily involved in both the Connecticut case and the Fresno case. You can be involved, too, by helping us with the legal expenses to bring in expert witnesses to help win these cases. LELDF is supported only by the donations of generous individuals such as yourself. Thank you very much for your support of these courageous police officers.

Sincerely,



David Henderson Martin

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