

Oakland To Pay \$15K Excessive Force Settlement To Bank Robber

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OAKLAND, Calif. -- The Oakland City Council has voted to pay \$15,000 to settle a lawsuit filed by a bank robber who was shot by police and kicked in the groin after leading police on a high speed chase, slamming his car into a police car and allegedly pointing a gun at police.

Troy Barnes, who was convicted of bank robbery for the Aug. 21, 1998, incident, is now serving a 75-year sentence at the Salinas Valley State Prison for multiple bank robberies.

He plans to give half the \$15,000 to his granddaughter and the other half to Bay Area charities serving at-risk youth and victims of police misconduct.

Barnes did most of the legal work himself on his case in U.S. District Court in Oakland. Judge Claudia Wilken appointed Oakland attorney Michael Haddad to help Barnes settle the case after she ruled that the case was strong enough to merit a trial.

Haddad, who represented Barnes on a pro-bono basis, said today that Barnes wants to encourage at-risk youth, such as he was, to "give yourself a chance and stay out of crime and get an education."

Barnes and another man robbed the Wells Fargo bank at 3450 Fruitvale Ave. in Oakland and fled in a car, pursued by police.

A high-speed chase ended when the car Barnes was driving crashed into a sign pole on Golf Links Road in the Oakland hills, injuring him.

Shortly after the incident, Oakland police said officers fired multiple rounds at Barnes after he pointed a handgun at them.

But Haddad said police officers shouted conflicting commands to Barnes to "freeze" and also to throw his gun out of the car.

Haddad said police fired 51 shots at Barnes as he attempted to throw a gun out of his car.

Haddad said Barnes didn't fire any shots and fell out of the car severely wounded.

As Barnes lay on the ground bleeding profusely, Oakland Officer Edwin Somarriba kicked him in the groin, Haddad said.

A videographer captured the incident on tape and it was shown on local television news programs. Community groups such as People United for a Better Oakland (PUEBLO) held a rally outside the Alameda County courthouse in Oakland shortly after the incident to protest the officers' actions.

Haddad said Barnes still hasn't recovered from all of his gunshot wounds.

Haddad said an internal investigation by the Oakland Police Department found that Officer Somarriba's kick was unjustified and they suspended him for five days for using excessive force.

Oakland police also found that several of the gunshots fired by another officer were unjustified, Haddad said.

A spokeswoman for the Oakland City Attorney's office said the city agreed to settle Barnes' lawsuit after conducting a cost-benefit analysis.

According to court records, prior to the 1998 incident, Barnes was convicted of six counts of assault with a deadly

weapon and six counts of robbery for a series of bank robberies in 1989.

According to court records, Barnes threatened bank employees by pointing a gun at them and firing shots into the air.

On Jan. 16, 1990, he was sentenced to 11 years and 4 months in state prison.

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