

Lawsuit filed in fatal Greenfield raid

Written by

SUNITA VIJAYAN

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A lawsuit filed Monday in federal court alleges the Monterey County Sheriff's Office wrongfully used a flash-bang grenade to "scare" a Greenfield man during a raid this year that ultimately caused his death.

Oakland-based civil rights law firm Haddad & Sherwin filed the federal civil rights and wrongful death lawsuit on behalf of 31-year-old Rogelio Serrato's two young sons in the U.S. District Court for the Northern District of California.

According to the law firm, Lisa Magdeleno is seeking unspecified monetary damages for her two grandsons, who are ages 3 and 2, respectively.

On Jan. 5, the Sheriff's Office carried out a SWAT raid at a home on San Antonio Drive in Greenfield. The Sheriff's Office has said the operation was conducted in search of evidence and Alejandro Gonzalez, a suspect in the New Year's Day shooting outside the Mucky Duck in Monterey.

The sheriff's coroner's division said Serrato died because of asphyxiation due to smoke inhalation from the fire that began shortly after SWAT members threw a diversionary

flash grenade into the home.

On Monday, attorney Michael Haddad called the sheriff's office's actions that day unnecessary and the direct cause of Serrato's death.

"The para-military raid on Mr. Serrato's house was totally excessive from beginning to end," Haddad said. "This was only a search warrant. They didn't have an arrest warrant. They were going to search the house. It didn't justify the kind of para-military [tactics] that they did."

Those named in the lawsuit are Sheriff Scott Miller, Capt. Charles Monarque [now chief deputy of enforcement operations], Cmdr. Kevin Oakley, Sgt. Garrett Sanders, Sgt. Joseph Banuelos, Sgt. Randy Ragsac, Detective Al Martinez and deputy Mark Sievers.

Haddad said the lawsuit will be served to the named parties soon. After it is served, he said, the defendants will have a set number of days to respond to the lawsuit.

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"This is just the beginning of the case, but really this lawsuit will hold the officers accountable for Mr. Serrato's death, finally, and hopefully prevent this kind of tragedy from happening in the future," Haddad said.

Messages left for the sheriff's office public information officer and the Monterey County Counsel's Office Monday afternoon were not immediately returned.

According to the complaint, Monarque had recommended the activation of SWAT and kept Miller informed. About 9:23 a.m., the lawsuit alleges, SWAT drove the "Bearcat," a military combat-style transport, and other related vehicles to the home. About two dozen SWAT members surrounded the home, according to the complaint, as a hostage negotiation team ordered for Serrato to surrender.

The lawsuit also alleges that the defendants had information that Serrato "may have been intoxicated, emotionally disturbed and unable to care for himself."

"Without provocation or just cause, defendants Sanders, Oakley, and Monarque decided to launch a flash-bang stun grenade into Mr. Serrato's home," the lawsuit alleges. "Per earlier discussions, defendants planned to use the grenade not to secure the safety of the SWAT members during a dynamic entry, but as a 'scare tactic' to frighten 'the target' into exiting his home. Mr. Serrato had not threatened the officers in any way."

According to the lawsuit, Martinez broke

the window of the home and Sievers tossed the grenade in all of which were under Banuelos' supervision and Ragsac's close cover.

After the fire was ignited, the complaint alleges, the SWAT members failed to try to rescue Serrato and instead waited for firefighters to arrive. By the time the fire was controlled, according to the lawsuit, Serrato had died.

Haddad said the family has also requested an injunctive relief, which includes a moratorium on using flash-bang grenades.

The purpose, he said, is to ultimately have Monterey County stop using these controversial devices which are known to start fires.

Haddad said the family is doing "as well as it can be expected."

"You've got two young boys who've lost their father," he said. "Nothing can ever replace their father."

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