



Family sues over Greenfield flash-bang fatality

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An Oakland law firm filed claims Tuesday against the city and county of Monterey on behalf of the children of Rogelio Serrato, a Greenfield man killed Jan. 5 during the execution of a search warrant.

Citing the use of "unjustifiable deadly force" and conduct "that shocks the conscience," the claims seek unspecified damages from the city and county for the loss of the boys' father.

The claims were mailed Tuesday, according to a declaration signed by attorney Michael Haddad, whose firm represents Serrato's girlfriend Kristina Magdaleno on behalf of their two children, Julian, 2, and Israel, 1, as well as Serrato's estate.

Representatives from Monterey and the county both said Tuesday they had not seen the claims.

The law firm filing the claims, Haddad & Sherwin, settled with the city of Salinas for more than \$2million in the police shooting of Maria Irma de la Torre in July 2008.

According to statements by Monterey police and Sheriff Scott Miller, Serrato, 31, was initially loosely linked by police to a New Year's shooting at the Mucky Duck bar in Monterey. At the request of Monterey police, a sheriff's SWAT team was deployed to serve the search warrant the morning of Jan. 5.

Miller said about 20 deputies were at the scene. After calling for an hour for Serrato to come out, deputies threw a flash-bang grenade into a window.

In less than two minutes, the living room was in flames, according to photographs taken at the scene by a neighbor and provided

to The Herald.

"When I saw the pictures of the multiple officers in camouflage and combat-type gear and throwing an incendiary device, I thought they were acting more like this was Fallujah than Greenfield," Haddad said.

A coroner's report said Serrato died of smoke inhalation complicated by methamphetamine intoxication.

Miller said last week that Serrato was an associate of Alejandro Gonzalez, described by police as the "lone suspect" in the shootings. Both men were named in a police affidavit filed for the search warrant, Miller said.

But Haddad said Serrato was not an associate of Gonzalez.

"He knew him passing by, but they weren't friends or anything," he said.

Gonzalez, who was not at the residence during the raid, later turned himself in to San Jose police and is held in Monterey County Jail on four counts of attempted murder.

"They said (Serrato) was not a suspect. They were just going there to execute a search warrant — not even to arrest anybody," Haddad said. "They had no information that he had any guns."

Haddad said it was unusual for the deputies not to

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enter the house as soon as the flash-bang was thrown in. The device is often used to temporarily disorient a suspect.

"Usually a flash-bang is used when they know they're going into a dangerous house," he said. "It gives the police a few seconds of advantage, and it's usually followed by immediate entry. They just tossed it in there and stood back."

Haddad questioned why such a "high level of force" was used in Greenfield, a predominantly Latino community.

"It seems unlikely that they would do that in Carmel," he said. "... There's a problem with law enforcement generally in communities of color."

The claim, Haddad said, was based more on the loss of a father than the potential loss of income.

"It's the companionship, the parenthood that they've lost. He spent a lot of time with his children," Haddad said. "He was a very good father."

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