

## **UPDATED: County to pay out \$2.6 million in Greenfield man's wrongful death suit**

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Monterey County will pay out nearly \$3 million to settle a wrongful death lawsuit in the case of a 31-year-old Greenfield man killed two years ago during a SWAT raid on his house.

The beneficiaries of the \$2.6 million suit are the 4- and 5-year-old sons of Rogelio “Roger” Serrato Jr., whose two youngest children will ultimately receive more than \$1 million apiece on their 18th birthdays.

According to a release from Haddad & Sherwin, the law firm that represented the boys, the settlement follows more than \$1.2 million split between Serrato’s mother, sisters and older children in a separate civil suit by the Law Offices of John L. Burris.

Both suits stem from Serrato’s 2011 asphyxiation death in Greenfield, where the Monterey County Sheriff’s Office SWAT attempted to serve a search warrant for a New Year’s Day shooting at Mucky Duck in Monterey. They were in search of evidence and Alejandro Gonzalez, a suspect in the shooting.

Gonzales turned himself in to authorities in San Jose only a few days after the raid that ended in Serrato’s death.

After about an hour of unsuccessfully hailing Serrato from the outside, one of at least seven officers stationed outside Serrato’s house threw a diversionary flash grenade into the home. Two couches within quickly caught on fire.

The Monterey County Coroner determined Serrato, who didn’t come out of the house, died of asphyxiation from inhaling smoke and acute methamphetamine intoxication.

In July 2011, Lisa Magdeleno sought assistance from Oakland-based Haddad & Sherwin on behalf of her grandsons, then ages 2 and 3. Three months later, the Monterey County District Attorney’s office interviewed more than 30 witnesses — including law enforcement officers and neighbors — and decided not to file criminal charges.

Named in both civil suits are Monterey County Sheriff Scott Miller, Capt. Charles Monarque, Cmdr. Kevin Oakley, Sgt. Garrett Sanders, Sgt. Joseph Bañuelos, Sgt. Randy Ragsac, Detective Al Martinez and Deputy Mark Sievers.

Michael Haddad, an attorney for the boys, called the use of the flash-bang stun grenade “unnecessary and excessive.”

“This significant settlement underscores the seriousness of the Serrato family’s horrific loss,” he said. “The officers’ use of an explosive, incendiary weapon inside Roger Serrato’s home, when they believed he was inside and posed no threat to anyone, was unnecessary and excessive.”

Monterey County insurance carriers handled the settlement, according to County Counsel Charles McKee. If the case had gone to trial, attorneys fees would likely have been significant, he said.

“In these types of cases, attorneys fees become significant and if plaintiffs are able to win even a nominal amount, then courts usually award attorney fees,” he wrote in an email.

The deputies involved waited for over an hour outside Serrato’s residence, giving him “every opportunity to leave the premises,” McKee said. An individual leaving the residence informed deputies the house was empty and law enforcement outside received no further response from inside the house to their orders to vacate, he said.

“Thus they had no indication anyone was in the house prior to utilizing the securing device,” he said. “The deputies were very cautious in their actions. The officers then placed their own lives at risk trying to secure (t)he premises.”

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