

**latimes.com**

## **Three ex-L.A. County deputies convicted of inmate assault**

They plead no contest to charges in the 2006 beating and resign from the Sheriff's Department.

By Robert Faturechi, Los Angeles Times

September 30, 2010

Three former Los Angeles County sheriff's deputies accused of punching and kicking a jail inmate in 2006 were convicted of assault charges Wednesday.

The men were accused of attacking the inmate at the Men's Central Jail after he made an obscene gesture to a custody assistant. While being transferred to a disciplinary area, he was beaten by the three deputies, resulting in a fractured cheekbone and injuries to his rib cage and ear.

None of the three defendants were sentenced to prison time.

Former Deputy Lee Simoes, 34, pleaded no contest to one count of felony assault by a public officer. He was sentenced to three years of supervised probation, said Sandi Gibbons, spokeswoman for the Los Angeles County district attorney's office.

The other two former deputies — Humberto Magallanes and Kenny Ramirez, both 30 — pleaded no contest to misdemeanor assault and were sentenced to two years of unsupervised probation. All three were also ordered to complete community service and anger management courses.

Sheriff's spokesman Steve Whitmore said the men turned in their resignations Tuesday night.

"They're gone," Whitmore said. "No process, no nothing. They are out the door."

After inmate Gabriel Vasquez complained about the assault, sheriff's investigators initially determined that his injuries were not caused by the deputies but by other inmates or were self-inflicted, according to court records. But the case was revisited when a fourth deputy, Ryan Lopez, admitted in a job interview with another police agency that he had lied about witnessing the assault.

Lopez had initially denied seeing any injuries. But in a second interview with investigators, he said the men had assaulted the inmate. Lopez was offered immunity from criminal charges in exchange for truthful testimony in front of a grand jury, according to records.

Whitmore said Lopez is on administrative leave pending the results of an internal investigation.

Criminal charges against jailhouse deputies are rare despite a high number of complaints. Peter J. Eliasberg, managing attorney with the American Civil Liberties Union of Southern California, said his organization fields three to five excessive force complaints a week coming out of county jails. He said that number would be higher but inmates fear retaliation if they speak up.

"I'm not saying every one is true, but the numbers are so high I feel very confident there's a disturbing level of excessive force," he said. "Even good or decent people will do bad things in conditions like that."

Michael Gennaco, who heads the Office of Independent Review, a department watchdog, said all allegations of jailhouse assaults are investigated.

Such cases are "very difficult to prove because you have a controlled setting where virtually all your witnesses are either deputies or inmates," Gennaco said. "You have an inmate that said it happened and you have a deputy who said it has not — what is a D.A. going to do with that? That's a very high burden if the subject is a police officer who the public wants to believe is doing the right thing."

Ramirez's attorney, Vicki I. Podberesky, said the no contest plea was part of a negotiated deal in which the men avoided prison sentences but were forced to agree to resign. A no-contest plea is not an admission of guilt but offers no defense. The principal difference from pleading guilty is that it protects the person from civil damage suits by victims.

"The deputies made a decision to take the offer for a variety of personal reasons," she said, "though I would tell you I think it was a very tryable case."