

## Disabled Man Wants Deputy Charged

By MIKE WELLS, The Tampa Tribune

Published: February 14, 2008

TAMPA - An apology from Hillsborough County Sheriff David Gee came Wednesday with a promise to investigate a jail deputy who dumped a disabled man out of a wheelchair and the supervisors who did nothing to intervene.



**Brian Sterner**

The man, Brian Sterner, said an apology is a good start - but he also wants the deputy charged with a felony for battery of a disabled person.

A woman who answered the telephone at the home of the deputy, Charlette Marshall-Jones, said: "I feel positive. When I know I'm not wrong, I feel that way. ... I do believe the truth will come out, but I can't offer more than that."

On Jan. 29, video cameras in the Orient Road Jail booking room recorded the deputy raising a wheelchair and tipping Sterner onto the floor. Sterner was brought to the jail on a warrant stemming from a traffic violation.

An internal affairs investigation is reviewing the actions of Marshall-Jones and three of her supervisors: Cpl. Steve Dickey, 45, Cpl. Decondra Williams, 36, and Sgt. Gary Hinson, 51. Marshall-Jones was suspended without pay, and the supervisors were suspended with pay.



### **Photo from jail video**

Gee, who had apologized to Sterner's attorney a day earlier, issued a written statement of regret.

"I am personally embarrassed and shocked by the horrific treatment Mr. Sterner received," Gee said. "I cannot and will not even try to offer an explanation for what is seen on the video."

Gee said the incident was not caused by a lack of training. Marshall-Jones has 22 years on the job.

"It represents aberrant behavior that is totally out of context with policies, practices and standards of the Hillsborough County Sheriff's Office," he said.

"I offer my personal apology to Mr. Sterner for the treatment that he received while being processed through Central Booking," Gee said.

Last year, more than 72,000 inmates were processed at the booking center, and more than 230 of them came to jail in wheelchairs, Gee said.

Sterner, 32, of Riverview, appeared Wednesday on NBC's "Today" show with his attorney, John Trevena.

He suggested that the state attorney's office get involved in the case.

"And then the attorney general could get involved, and then Governor Charlie Crist could get involved, and then somebody else that leads this country could get involved," Sterner said. "Because it's not about one deputy; it's not about a sheriff; and it's not about a governor."

Crist said he found the incident "terribly disturbing."

"It goes beyond a pale by any compassionate person's standard I'm sure, and I wonder

if there may be a civil rights issue to it," he said. "We're looking into it."

Dickey, who is seen on the video smiling afterward, declined to talk about the investigation.

"All I can say is I was not there during the incident," he said. "I did not view the incident."

Dickey is president of the Hillsborough detention deputies' chapter of the West Florida Police Benevolent Association, the union that represents deputies.

'Unequivocal Evidence'

Sterner has been without the use of his legs since a wrestling accident in 1994, he said. He has no feeling below his sternum and has partial use of his arms. Trevena says his client is classified as quadriplegic.

Sterner drives a Mini Cooper outfitted with hand controls. On Oct. 25, Tampa police ticketed him, saying he blocked an intersection, court records show. He later was charged with the third-degree felony of fleeing to elude an officer in connection with the same incident.

Deputies arrested Sterner on Jan. 29 on a warrant from Tampa police at his home in Riverview. He posted bail and was freed Feb. 3.

Sterner said he told Marshall-Jones at the jail that he couldn't walk, but she didn't believe him and ordered him to stand.

The video shows Sterner landed on his ribs and then rolled over on his back while his pockets were checked.

Sterner said he thought he had suffered two cracked ribs, but it turned out to be bruising, Trevena said. An X-ray showed no fractures.

"I think these types of things occur fairly routinely, and it's only when you have unequivocal evidence like this that something can happen about it," Trevena said on the "Today" show.

Sterner said the incident isn't about race or a wheelchair.

"Just like Rodney King got beat on the street and I got thrown out of my wheelchair, it happens to people every day," Sterner said. "It's just now there's cameras that catch it."

Trevena said he wants Marshall-Jones charged with felony battery, and for her supervisors to be disciplined and undergo mandatory retraining.

Prosecutors have consulted with sheriff's detectives and are awaiting the completion of

the internal affairs investigation before a determination on any charges is made, Hillsborough County Assistant State Attorney Pam Bondi said.

'Outstanding Employee'

Marshall-Jones has been suspended twice before without pay, according to her personnel record.

In 1988, she improperly conducted an inmate head count and was suspended for six days, according to documents. Two years later, she was suspended for one day for failing to complete a fire safety and sanitation inspection.

Her file also contains at least 13 commendation letters praising her service from various residents and other county workers. In November 2003, she and the rest of the booking room staff were named employees of the month.

Her last evaluation was written by Hinson two weeks before the wheelchair incident.

In it, the sergeant notes that Marshall-Jones is an "outstanding employee" who handles inmates well.

Maj. Robert Lucas, who commands the Orient Road Jail, included the following comment in the same review:

"Deputy Marshall-Jones knows her job and does it well. She is a quality employee in every regard."

News Channel 8 reporters Krista Klaus and Mike Vasilinda and Tribune reporter Josh Poltilove contributed to this report. Reporter Mike Wells can be reached at [mwells@tampatrib.com](mailto:mwells@tampatrib.com) or (813) 259-7839.