

MAKING A BUCK WHILE MAKING A DIFFERENCE

Alphonse A. Gerhardstein
agerhardstein@gbfirm.com

Cincinnati City Hall



FORGET THE REST BUT NOT THIS

- ▶ Add Attorney fees to your relief
- ▶ Avoid caps
- ▶ Avoid comparative fault
- ▶ Add option of federal forum

FIRST AMENDMENT / ELECTIONS



PUBLIC EMPLOYMENT



JAIL/PRISON CONDITIONS



Welcome to Hell



ABUSE OF CORPSE

Home | Help | Share Content | Subscribe | Advertise | Shopping | Real Estate | Rentals | Cars | Jobs | Classifieds

Cincinnati.com LifeLock
www.lifelock.com

HOME | NEWS | SPORTS | ENTERTAINMENT | LIVING | BUSINESS | COMMUNITIES | OPINION | PHOTOS & VIDEOS | OBITS | WEATHER | BLOGS & FORUMS
MAIN | LATEST HEADLINES | CRIME & COURTS | EDUCATION | POLITICS | NATION | WORLD | DATA | ALERTS | ARCHIVE

Comment, blog & share photos
Log in | Become a member

Search

Local news Cincinnati.com » Local news
Last Updated: 9:00 am | Thursday, February 26, 2009

Deters: Ex-morgue worker 'just a pig'

By Kimball Perry - kperry@enquirer.com - February 26, 2009

Read Comments (24) | Recommend (3) | Print | Share This | Type: A A | Click2-Listen

On several nights over 16 years, Kenneth Douglas engaged in his own personal macabre workplace party.

ADVERTISING:

Colon Cleanse - Warning
Don't Try Colon Cleansing Products Until You've...
ColonReview.com

My Teeth Are Now White
Read the trick, discovered by a mom, to turn yellow teeth...
CathysTeeth.com

AARP Auto Insurance From...
Over \$07 Save \$363 on Your Auto Insurance in Minutes w/...
AARP.TheHartford.com

He often brought drugs or alcohol to work and sometimes had sex with women at the parties.

Read background information on the indictment (PDF)

At least three of those women were dead when he had sex with them, Hamilton County Prosecutor Joe Deters said Thursday.

But if Douglas is to be believed, he could have had sex with as many as "over a hundred" bodies in the 16 years he worked as the night attendant at the Hamilton County morgue.

"I am sure there are more (victims). I'm certain of it," Deters said today in announcing new indictments against Douglas.

"This guy's just a pig. I can't explain why someone would do something like this. ... This is off-the-charts weird."

Douglas, 55, of Westwood, already is serving a prison sentence after he pleaded guilty last year to abuse of a corpse when he admitted he had sex with the bloody, nearly beheaded body of 18-year-old murder victim Karen Range in 1982.

Thursday, Douglas was indicted on two more counts of abuse of a corpse after DNA evidence, Deters, said, showed Douglas' semen was in the bodies of two more women who were killed in 1991 and their bodies were stored at the morgue awaiting autopsies:

- Charlene Edwards, also known as Charlene Apling, who was six months pregnant.
- She was strangled to death Oct. 1, 1991, by Mark Chambers, now 47, in Chambers' Avondale home. Chambers strangled her to death after accusing her of smoking his crack cocaine. Chambers originally was charged with murder but accepted a plea bargain where he was convicted of voluntary manslaughter and sent to prison for 10-25 years. He was paroled in 2000.
- Angel Hicks, 24, of Westwood.

Tyrone Williams, 59, was charged with murder in the December 1991 death of Hicks. He was acquitted months later at trial. There was a question of whether Hicks was killed or committed suicide. At the time, Williams, of Over-the-Rhine, was accused of pushing Hicks from his apartment's third-floor window.

Deters said he was stunned by so many aspects of the case - sex with a corpse, sex with violently mutilated or damaged bodies, sex with dozens of bodies.

"Frankly, it's frightening. His numbers when he's (talked to authorities) go from one to three or four to 'a lot to maybe over a hundred,'" Deters said, quoting Douglas. "I think it's fair to speculate that he's been doing this all the time, when he's able and had the opportunity."

After Douglas admitted abusing Range's corpse last year, prosecutors said they suspected there were other victims. They called area law enforcement agencies asking for cases to investigate.

Prosecutor Joe Deters announces two new indictments for abuse of a corpse against Kenneth Douglas.
(The Enquirer/Glenn Hartung)



Most Commented Stories

- Ohio group submits casino plan (134)
- Teen's dad: Don't close halfway house (110)
- Cronin: NIT or nothing (102)
- Student sues over missing Xbox (93)
- Malory: Cincy 'better since he won' (71)

Most Recommended Stories

- Ex-prosecutor admits DUI (130)
- Towne Place resolving issues (21)
- \$1M bond set for molestation charge (8)
- City linked at risqué videos (11)
- William "Bill" Riester (49)

Get your **FREE** guide to independent living.
HUMANA
Click to learn more
FEELINGRIGHTATHOME.ORG

More News headlines

<http://news.cincinnati.com/article/20090226/NEWS01/302260074/1055/news>

3/12/2009

POLICE MISCONDUCT

MINUTE VIDEO OF SAM DUBOSE STOP BY ROY TENSING (July 19, 2015)

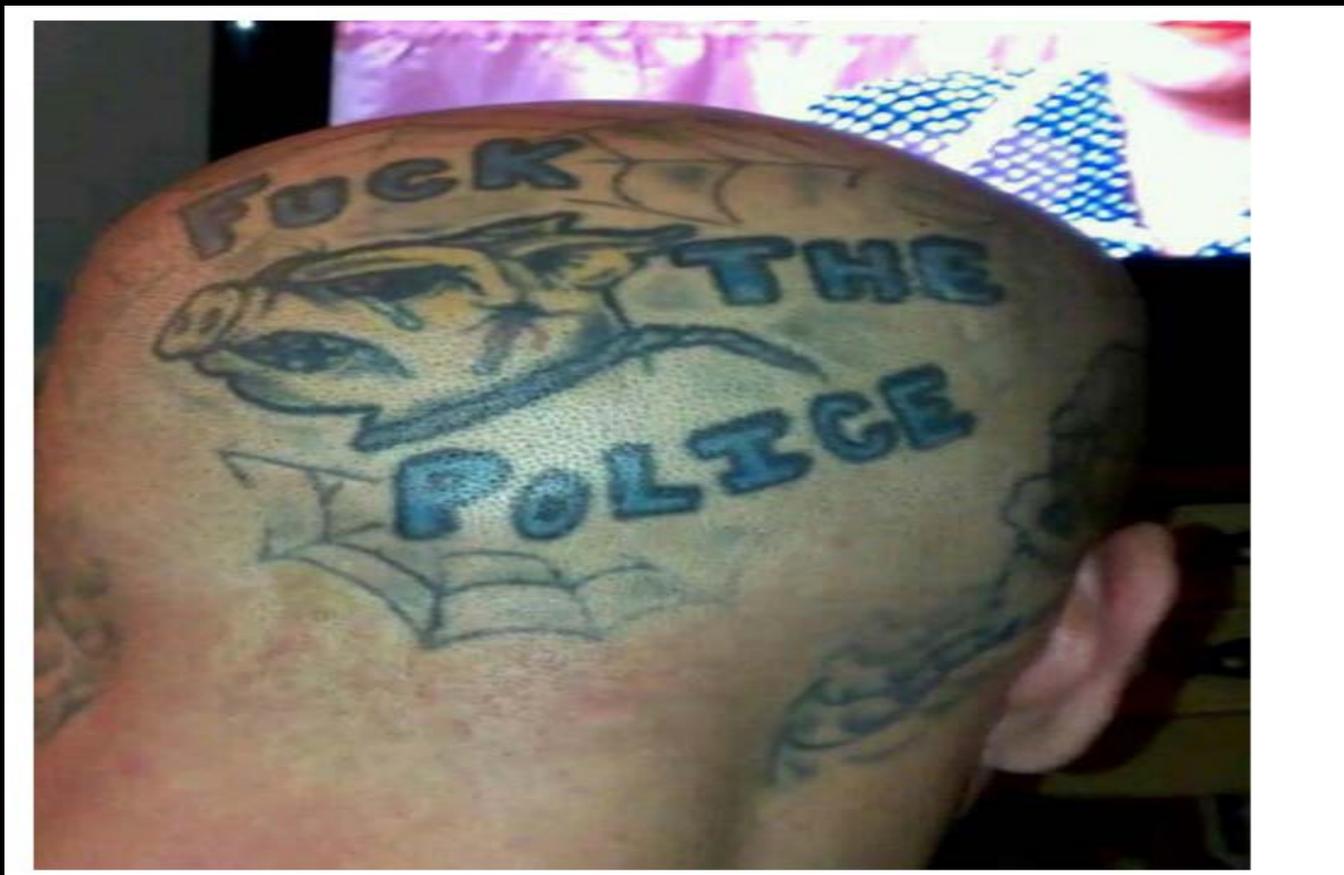


3:15 / 27:52

Taser Use & Abuse – Taser Burns



Police Misconduct



REFORM – MORE THAN MONEY

- ▶ Clients all seek fair compensation and they do not want this to happen again. Money awards do not deter
- ▶ Seek
 - policy changes
 - training
 - apologies
 - memorials and plaques

Apologies



Office of the President
University of Cincinnati
PO Box 210063
Cincinnati OH 45221-0063
Phone: (513) 556-2201
Fax: (513) 556-3010
Email: president@uc.edu

January 9, 2013

Mr. & Mrs. Howard
c/o Gerhardstein & Branch Co. LPA
432 Walnut Street # 400
Cincinnati, OH 45202

Dear Mr. and Mrs. Howard:

On behalf of the University of Cincinnati, I want to extend our very deepest regrets to you and your family for the loss of your son. By all accounts, Everett was a truly amazing young man with a tremendously bright future ahead of him. Having watched your videotaped testimony, it is clear to me that he meant the world to you.

As the father of two young children, I cannot begin to imagine the immense pain and loss that has enveloped your lives. Please know that in extending our heartfelt sympathy to you and your family, I do so with the utmost sincerity, respect and admiration.

It is my hope that our efforts to find a resolution will enable you and your family to move forward with fond memories of Everett's remarkable life and extraordinary spirit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Santa J. Ono'.

Santa J. Ono
President

Memorial



Memorial



Memorial



Collaborative Agreement

COLLABORATIVE AGREEMENT GLOBAL DAMAGE CLAIMS SETTLEMENT

This Collaborative Agreement Global Damage Claims Settlement, made this 21st day of May, 2003, by and between the plaintiffs (hereafter "Plaintiffs") and the defendants (hereafter "defendants") in each of the following actions:

Lisa Youngblood-Smith v. City of Cincinnati, Case No. C-1-00-434
Elsie Carpenter v. City of Cincinnati, Case No. C-1-99-227
Vincent Clark, et al. v. City of Cincinnati, Case No. C-1-02-645
John E. Harris v. City of Cincinnati, Case No. C-1-02-761
Stephanie Keith and Paul Keith v. City of Cincinnati, Case No. C-1-02-777
Enrico Martin v. City of Cincinnati, Case No. C-1-02-762
Roderick Glenn v. City of Cincinnati, Case No. C-1-02-760
Arnold White v. City of Cincinnati, Case No. C-1-02-759
Tony Stillwell v. City of Cincinnati, Case No. C-1-02-763
Sheila Barnes v. City of Cincinnati, Case No. C-1-02-758
Angela Leisure, et al. v. City of Cincinnati, Case No. C-1-01-286
Antonio Johnson v. City of Cincinnati, Case No. C-1-99-1063
Matthew Shaw v. City of Cincinnati, Case No. C-1-00-1064
Mark A. Ward v. City of Cincinnati, Case No. C-1-99-494
Charles A. Wiley v. City of Cincinnati, Case No. C-1-00-267
Bomani Tyehimba v. City of Cincinnati, Case No. C-1-99-317

and the Fraternal Order of Police, in its representative capacity as a party to the Collaborative Agreement approved August 5, 2002, is executed pursuant to the following terms:

(A) Over the past four years, Plaintiffs filed the actions listed above against Defendant City of Cincinnati and individual Defendants. Those cases remain on the docket of the United States District Court. The various Plaintiffs' claims seek damages in an amount to be

Morgue Reform



A man with short hair, wearing a dark blue suit jacket, a light blue shirt, and a dark tie, is shown from the chest up. He is looking towards the left of the frame with a neutral expression. The background is a plain, light-colored wall. A white timestamp is overlaid on the lower part of the image.

OCT 9 2013 13:05:39

McGinnis Settlement Terms

- ▶ Amend taser policy to reflect the manufacturer's preferred target zone;
- ▶ Grade officer examinations taken during taser training;
- ▶ Conduct competent use of force investigations following taser deployments;
- ▶ Participate in a national registry regarding taser impact if one is established;
- ▶ Implement the reforms through a neutral expert with input from plaintiff counsel.

NPR Interview



The Statute: 42 U.S.C. § 1983

- ▶ Every Person who
- ▶ Under Color of State Law
- ▶ Subjects or Causes to be Subjected
- ▶ Any Citizen or Other Person to the
- ▶ Deprivation of any Rights, Privileges, or Immunities Secured by the
- ▶ Constitution and Laws [of the United States]
- ▶ Shall be Liable to the Party Injured in
- ▶ Action at Law, Suit in Equity, etc.

Remember these points:

- ▶ §1983 creates no substantive rights
- ▶ Merely creates remedy
- ▶ NO RESPONDEAT SUPERIOR
- ▶ Concurrent jurisdiction in State & Federal Courts

Key Elements of a §1983 claim

- ▶ Conduct Deprives π of a Right Secured by *Federal Constitution or Laws*
- ▶ Conduct Committed by Δ under Color of *State Law*

Capacity

Individual vs. Official

Individual Capacity

- ▶ Official Personally pays \$
- ▶ Qualified Immunity
- ▶ Punitive damages

Official Capacity

- Suit against entity
- No Qualified Immunity
- No punitive damages

Immunity

- ▶ Absolute Immunity
- ▶ Qualified Immunity
- ▶ **Caution:** pre-Discovery and pre-trial Appeals available
- ▶ Private state actors are not entitled to Qualified Immunity
- ▶ Local governments are not entitled to Qualified immunity

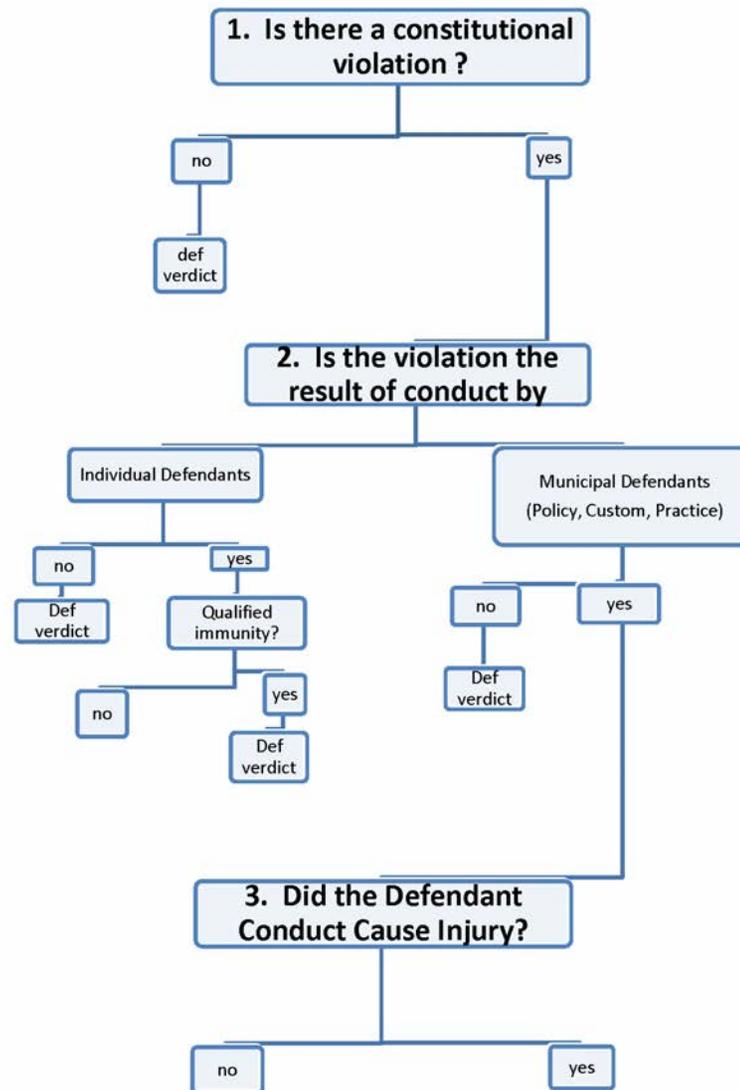
State not Liable for Damages

- ▶ 11th Amendment – Sovereign Immunity
- ▶ Can sue individual state actors for damages but not State itself

Local Government Liability

- ▶ Formal Policies
- ▶ Informal Policies or Customs
- ▶ Policymaker Decisions

Decision Tree



Pleading Caution

- ▶ *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009) – imposes heightened pleading requirements in federal lawsuits – cannot just recite conclusory elements of cause of action – must plead facts that make relief “plausible”

No Comparative Fault

- ▶ 1983 liability is joint and several
- ▶ Contributory negligence does not apply

No Caps

- No tort “reform” such as damage caps apply to 1983
- Supremacy Clause, US Const, art VI, cl 2.

State Law Immunity does NOT apply to §1983

- ▶ 2744.09(E) – excludes civil rights claims from state law immunity defense

SPECIAL SITUATIONS

- ▶ Filing in Court of Claims Waives Right to File in Federal Court
- ▶ Filing on behalf of current inmates – PLRA
 - Limits on damages
 - Limits on fees
 - Must exhaust Administrative Remedies

Attorney Fees

- ▶ Attorney fees awarded to prevailing party plaintiff based on reasonable hours x reasonable rate

Practical Tips

- ▶ Videotape depositions
- ▶ Double book responsibly
- ▶ Do depositions on site
- ▶ Clients must attend depositions

More Practical Tips

- ▶ Keep costs down
- ▶ Do the drafting
- ▶ Ask for help
 - Prison Listserv
 - NPAP
 - OAJ
- ▶ Learn evidence / trial skills
- ▶ Do settlement videos
- ▶ Use focus groups