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Jury awards man \$3.7 million in wrongful death

BY LEE STEPHENS

A Miami Dade County jury awarded the family of Omar Mieles \$3.7 million dollars in a wrongful death claim against the City of North Miami filed by the Village law firm of Panter, Panter & Sampedro

The jury deliberated for more than three hours before awarding the family medical and funeral expenses together with a claim for loss of support and services for more than \$200,000 and \$3.5 million for past and future pain and suffering. The trial lasted a week before Judge Peter Adrien.

On Nov. 11, 2007, Mieles was on his way home when a City of North Miami police officer negligently crashed his police car into the car in which Mieles was a passenger in the rear seat. Mieles was ejected from the vehicle and died from multiple blunt trauma injuries three days later at Jackson Memorial Hospital. Mieles was an organ donor and his organs were used to save the lives of others.

Through the use of modern technology, attorney Mitchell Panter, of the Village law firm of Panter, Panter & Sampedro, was able to obtain the "Black Box" from the police vehicle to determine that the City of North Miami police officer was travelling at more than 60 mph at the time of the crash. With the aid of an accident reconstruction expert, Panter was able to recreate the crash scene providing the jury with a birds eye view of what the police



Pictured (l-r) are David Sampedro, Mitchell Panter and Josh Wintle.

officer most likely saw, or should have seen, just prior to the crash. Visual recreations were produced to show the jury how the accident could have been avoided if the officer travelled the 30 mph speed limit.

The Dade County Medical Examiner's Office was called to testify about the injuries sustained by Mieles and the opinion from the examining pathologist was that Mieles sustained serious, life threatening injuries from the impact of the t-bone crash at Northwest 46th Street and Seventh Avenue. This testimony was put up against defense testimony that Mieles died from being ejected from the car.

The jury concluded that Mieles did nothing to cause or contribute to causing his death and was not

negligent, even though he was not using a seatbelt at the time of the crash. The medical testimony confirmed that Mieles would have been killed from the impact, even if he was wearing his seatbelt. There was also conflicting testimony as to the availability of an operational seatbelt in the rear of the vehicle in which he was a passenger. There is no rule or law requiring an adult back seat passenger to wear a seatbelt.

"This was a case about responsibility and proving that no one is above the law," said Panter.

From the time of the crash to the jury verdict, the City of North Miami failed to take responsibility for the actions of their officer. Under the law, the city is responsible for the actions of their officers. If the officer violates the rules of

the road or the law, the city is responsible for the injuries caused by the violation.

Mitchell Panter, his law partner David Sampedro and associate Josh Wintle, proved that the officer violated three separate statutes and the jury held North Miami responsible for these rule violations which resulted in the death of a 19-year-old man, along with injuries to another occupant of the car. The contentious trial involved five days of testimony with numerous expert witnesses.

The police officer admitted that he was responsible for the crash at trial, accepting responsibility on his part. Yet, the City of North Miami failed to accept their responsibility. It was the jury who ultimately placed the fault on the City of North Miami. The jury held that the City of North Miami, through the police officer was negligent, that they violated the law, and that they are responsible for the injuries caused from the violations.

"No one is above the law," said Panter. "Police, government officials, professional athletes, rich and poor alike are responsible for their actions. At Panter, Panter & Sampedro, we work with the injured and their families to hold those who violate the law accountable for their actions. The law provides for a remedy for those who violate the law, and we will continue to represent innocent victims of rule and law violations. It is our responsibility to help those who cannot help themselves, and we take our responsibility very seriously."