

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1)ANGELICA CRUZ SANCHEZ, as surviving)  
spouse of MARTIN SANCHEZ-JUAREZ )  
Plaintiff, )

vs. )

Case No. CIV-16-1425-C

(1)CITY OF NORMAN (POLICE DEPT.) )  
(2)HEATHER GLAZIER, a police officer )  
(3) TEAM HEALTH, a private health company )  
Defendants. )

JURY TRIAL DEMANDED

**COMPLAINT**

COMES NOW THE Plaintiff, Angelica Cruz Sanchez, as surviving spouse of Martin Juarez Sanchez, deceased, by and through her attorney of record, and for her Complaint against the listed Defendants alleges and states as follows:

**The Parties**

1. Plaintiff resides in Cleveland County, Oklahoma.
2. Defendant Officer Heather Glazier works in and under information and belief is a resident of Cleveland County.
- 3 Defendant City of Norman (Police Department) is the employer for .Defendant Glazier. Defendant Team Health is a private company providing emergency room services at Norman Regional Hospital, in Cleveland County, Oklahoma.

**Jurisdiction and Venue**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, as factual claims and allegations asserted herein arose under 42 U.S.C. §1983 as violations of the Fourth (4<sup>th</sup>) , and supplemental jurisdiction pursuant to 28 U.S.C. §1367.

5. All factual claims and allegations asserted herein arose entirely within the Western District of Oklahoma and venue is proper in this district pursuant to 28 U.S.C. §1391.

6. Claims and allegations asserted herein are also brought outside of the provisions of the Oklahoma Governmental Tort Claims Act, 51 Okla. Stat. §151 *et seq.* as Plaintiff contends the acts and omissions by Defendants Glazier and City of Norman Police were outrageous, wanton, grossly negligent, and beyond the scope of the OGTCA.

### **Statement of Facts**

7. Deceased Martin Sanchez-Juarez was a Hispanic male who worked on vehicles in Norman Oklahoma. He, his wife, Plaintiff Angelica Cruz, and their two children attended church in Norman, and Martin was well liked by neighbors.

8. Around August of 2014, Martin was electrocuted while working on his microwave, and received treatment for burns and pain for several months. The pain and trauma caused by the electrocution caused Martin to have hallucinations and psychological trauma as a result thereof.

9. Martin's family took him to the emergency room at Norman Regional Hospital, where he was treated by Defendant Team Health. Defendant Team Health did not have the capacity to treat him, and transferred him. Several times in December of 2014, Martin was returned to the ER and treated by Team Health, several times with the assistance of Defendant Norman Police Department, due to his instability.

10. Defendant Team Health did not have the proper capacity to translate and communicate with Martin, and misdiagnosed him, due to misunderstanding. Martin was

being heavily treated with novacaine and other burn treatments, and Defendant Team Health inappropriately diagnosed him with major drug overdose.

11. On or around December 13, 2014, Martin was again taken to the ER and seen by Team Health, which again misdiagnosed him, and released him after giving him what is believed to be a strong sedative. Martin was released from the ER the morning of Sunday, December 14, 2016, but could not walk on his own. Thus, no informed consent of any kind was given to his family on leaving Defendant Team Health at the ER. Martin slept in the car on the way home.

12. On Sunday December 14, 2014, Martin's children were at church.

13. After Martin awoke from his family bringing him from the hospital, he was incoherent and apparently hallucinating, and began walking around. His family called 911, and requested help in transferring him back to the hospital.

14. When the emergency vehicle arrived on the scene, it parked and apparently called for police help again, to transport Martin back to the hospital. Norman Police had by then assisted several times in transporting Martin to the Defendant Team Health at the ER. Martin was walking in front of a strip mall off of 24<sup>th</sup> street, in Norman, OK, singing to himself, apparently hallucinating, and was holding a ball peen hammer.

15. Defendant police officer Heather Glazier was a recent recruit and arrived on the scene, almost hitting Martin with her vehicle. Defendant Norman Police did not see fit to send any other vehicles at that time. The Norman Police Department was aware of Martin's recent release from the hospital, per the 911 call, and that Martin needed to go back, and the fact he was not lucid. Upon almost being hit, Martin, obviously not lucid,

made a lunge toward the vehicle with the small ball peen hammer he held. Martin was several feet in front of the right front bumper area of the police car. At this time, Defendant Officer Glazier got out of the driver seat, went to the back of her squad car several feet to the rear of it, detaining Martin for arrest, and placing the car between herself and incoherent Martin, and being at least 25 feet away from him, and drew her gun, firing without properly communicating with him. .

16. It is inconceivable that Defendant Glazier could possibly have felt threatened while detaining Martin, given the distance, and the car between herself and an incapacitated person. She did not attempt to communicate with Martin, did not seek a Spanish interpreter, and did not warn him. In fact, Defendant Glazier did nothing to try to place Martin in the waiting ambulance. Rather, she fired multiple shots at him, mortally wounding him. Glazier shot *in the direction of the strip mall, in front of which Martin was standing*, where children and other adults were gathered.

17. Multiple other persons were in close proximity to Defendant Glazier when she fired her weapon, including children, who dove down near a wood pile. One of Defendant Glazier's shots went into a store and struck a wall just above a chair in a nail salon, and may have killed a person, had one been sitting in that chair. Defendant Glazier's actions were unjustified, wanton, and/or intentional, demonstrating severe lack of respect for the body integrity of both Martin and other bystanders nearby. The harm to Martin was lethal, and demonstrably a Fourth Amendment violation.

18. Defendant Police Department had a policy and custom of not properly training new police personnel on the proper use of lethal force, with the knowledge that

such failure to train recruits might result in constitutional violations, such as what happened to Martin. Defendant Norman Police was on notice of the deficient training, due to other incidents of concern prior to this one.

19. The highest decision makers of the Norman Police Department knew of the risk of harm and turned a blind eye to it, particularly after “investigating” the incident at hand and determining that Officer Glazier was allegedly justified in using lethal force, in spite of her and other officers having access to tasers and in spite of the fact she was so far from Martin and protected by a car when she accelerated the force to the lethal level.

### **Causes of Action**

20. Plaintiff asserts based on the facts above assert the following:

Gross, wanton negligence against Defendants Glazier and Team Health, and violation of civil rights (under the 4<sup>th</sup> Amendment of the U.S. Constitution, as well as state constitutional violations of excessive force, resulting in respondeat superior liability) against Defendants Glazier and City of Norman,<sup>1</sup> as well as general negligence and breach of fiduciary duty by Defendant Team Health, who had a duty to provide proper health services to Martin. Lastly, Plaintiff seeks action in wrongful death under Oklahoma law, and joint and several liability among all Defendants.

21. Plaintiff seeks damages naturally flowing from the Defendants’ wrongful acts and omissions and constitutional violations; as well as, attorney fees and costs.

22. Plaintiff requests a jury trial.

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<sup>1</sup> See *Bosh v. Cherokee County*,. 305 P.3d 994 (Okla. 2013)(Justice Kauger, speaking for the Court, and identifying state constitutional torts available for detainees who were harmed by police officers in the scope of their employment using brutality, such cause of action being outside of the OGTCA).

RESPECTFULLY SUBMITTED,

s/ Daniel M. Delluomo  
Daniel Delluomo, OBA 11810  
DELLUOMO & CROW  
6812 North Robinson Ave.  
Oklahoma City, OK 73116  
405.843.0400  
405.843.5005  
For the Plaintiff  
monty@delluomo.com