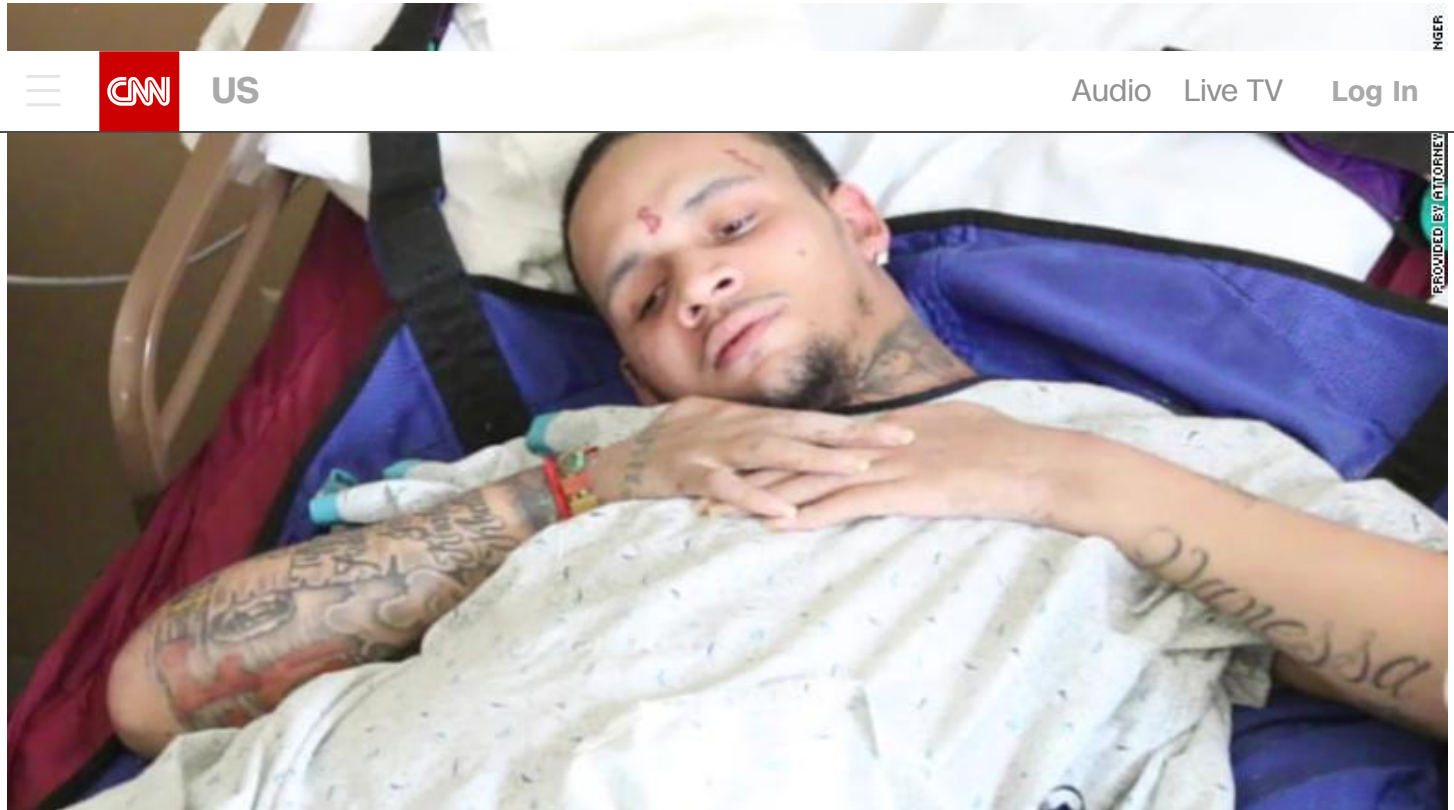


# New Jersey county agrees on landmark \$10 million settlement to Black man paralyzed after police encounter

By **Emma Tucker**, CNN

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An image taken from a video released by Ingram's attorney shows a day in his life after being paralyzed.

**(CNN)** — A New Jersey county has agreed to pay a \$10 million settlement to a Black man who was left paralyzed after an encounter with police eight years ago.

The lawsuit, filed by 29-year-old Xavier Ingram, lists Camden County, the Camden County Police Department, then-Assistant Chief of Police Orlando Cuevas and then-Police Chief John Scott Thomson, as well as three police officers involved in the incident -- Jeremy Merck, Antonio Gennetta and Nicholas Marchiafava -- as defendants.

The county agreed to a settlement last week after years of litigation and a mistrial was declared on March 29 in Camden federal court, when a jury became deadlocked on whether the officers were responsible for Ingram's injuries.

After the mistrial, the judge presiding over the case asked the magistrate judge to intercede and mediate to determine whether the parties could agree to a settlement. The county made the settlement offer that was approved by both parties, bringing the case to a resolution, Ingram's attorney Beth Baldinger told CNN.

Ingram was transported from his nursing home to the courtroom where he gave his testimony on a hospital bed before the jury, which Baldinger called "truly remarkable."

The lawsuit accused the officer of using unnecessary, unjustified, excessive force, and of violating Ingram's right to be free of unlawful and unreasonable seizure as protected under the Constitution. The lawsuit also accused Merck of failing to provide medical care as required by their training and failing to intervene, which resulted in the violation of Ingram's constitutional and civil rights.

Although all parties agreed to the settlement, attorneys for Camden County, the police department and the officers involved told CNN the settlement was a business decision spearheaded by the insurance carrier. The defendants say Ingram was not entitled to the settlement, their attorneys said, maintaining no wrongdoing.

Jay Blumberg, an attorney for Merck, said in a statement the insurance company "was concerned about the climate in which we live and that the jury would not be able to see past that."

Dan Keashen, a media relations officer for Camden County and its police department, said in a statement following the settlement: "In complete disagreement, and based on the insurance carrier making a business decision and forcing the hand of Camden County, we will be settling the case with Mr. Ingram. We do not believe this is the right



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Camden County officials continue to argue Ingram injured himself when he ran from police during the encounter.

"Based on the settlement the county maintains, and continues to maintain, that no wrong doing took place and is not liable for any of the actions and circumstances of the aforementioned incident," Keashen's statement continued.

Ingram suffered severe injuries to his cervical spine during the encounter, and he has been rendered a quadriplegic who is "permanently and totally disabled," according to the lawsuit.

"Mr. Ingram is very relieved, confident and comfortable with the settlement. It's finally over. It's been an eight-year, epic battle to obtain justice for him," Baldinger said, calling the settlement a "tremendous acknowledgment, even though the defendants do not admit to liability."

## Officers 'stomped' on Ingram, suit says

The incident occurred on June 12, 2014, when Ingram, a resident of Camden County, encountered three county police officers who were on foot patrol conducting a 'sweep' of an apartment complex, according to the lawsuit.

Ingram encountered the officers as he was walking to a liquor store where he met up with a friend, the lawsuit says. When he exited the store with his friend, the lawsuit alleges, he was approached by Gennetta and Marchiafava.

Ingram ran into the parking lot of a restaurant while the two officers continued to pursue him, according to the lawsuit, and then ran out into the street and surrendered while laying down on the ground with his hands in front of him.

The two officers "jumped on Ingram and handcuffed him," which he did not resist, the lawsuit alleges says. Merck arrived at the scene as Ingram was being arrested.

The officers are accused of stomping on the back of Ingram's neck and back and then proceeding to "viciously strike him," according to the lawsuit. One of the officers "placed his boot on the back of Ingram's neck and intentionally stepped down forcefully," causing him excruciating pain as he screamed for the officers to stop, according to the lawsuit's allegations.

Ingram also accused the officers of failing to provide medical care despite hearing him complain of extreme pain in his neck and was unable to feel his arms and legs. The officers observed Ingram's state but forcefully moved him and failed to stabilize his spine in violation of their emergency medical training, the lawsuit claims says.

An image of Xavier Ingram before his encounter with police on June 12, 2014. Parts of this image were obscured to protect the identity of the child.

CNN reviewed a statement posted by the Camden County Police Department on its website on June 13, 2014, a day after the incident occurred, alleging the officers rendered aid by stabilizing Ingram after he allegedly slipped and fell to the ground.

"The arresting officers displayed composure throughout the incident and had the presence of mind to immediately render aid and summon medical assistance," Thomson said in a statement included in the release.

## Ingram's injuries sustained during assault, medics say



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The defendants, however, have maintained Ingram sustained his injuries by slipping and falling without being touched by officers.

The office of Camden County Prosecutor also released a statement a day after the incident, alleging Ingram "slipped and fell on a wet road" in "an attempt to elude police."

The lawsuit accused the defendants of conspiring to cover up the conduct of the officers involved in the incident, including the release of "false and misleading" statements posted on the police department's website that asserted Ingram's injuries appeared to be "an accident of his own accord."

Ingram was charged with receiving stolen property, resisting arrest, unlawful possession of a weapon and drug possession, according to court documents. Ingram's attorneys argued the drugs were planted on him based on multiple conflicting accounts as to who located the drugs when and where. His attorneys also allege the gun was planted and that the police intentionally destroyed the fingerprint and DNA evidence that would have exonerated Ingram.

Ingram, who has maintained his innocence of the charges, secured a separate criminal defense attorney who filed a motion to have the charges dismissed, which was granted two weeks after the mistrial, according to Baldinger.

### Security camera footage shows Xavier Ingram's arrest.

During the civil trial, the defense team did not address the drug accusations, but the officers denied having planted a gun on Ingram, Baldinger said. The prosecutor's office did not

pursue any criminal charges against the officers related to these accusations after they determined there was insufficient evidence to charge them with any misconduct, she added.

However, a statement on behalf of Camden County and its police department after the settlement stated the county continues to maintain at the time of the incident, Ingram "ducked between two cars where a hot hand gun was found and had heroin in his possession when he slipped and fell without being touched while running from police officers pursuing him."

After both parties agreed to the settlement, Baldinger told CNN the lawsuit accomplished "what many civil rights litigants go through, which is an extraordinary ordeal."

"To peel back the layers of how police departments want to present themselves publicly, but really how they operate under the radar," she said.

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