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# State to appeal jury's award to Newhall man

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The state plans to appeal a jury's \$175,000 award to a Newhall man who said he was the victim of excessive force during a 1978 arrest by the California Highway Patrol, it was learned Thursday.

The jury, in Van Nuys Superior Court Judge Dan Kaufmann's court, voted 9-3 Tuesday that Terry L. Leader was entitled to the award after a seven day trial.

"The issue was excessive force. Were the officers justified in using the amount of force they did in arresting Mr. Leader," said James Blatt, Leader's attorney.

Senior Assistant Attorney General Marvin Goldsmith said his office will appeal the verdict.

The appeal will be based on Kaufmann's refusal to allow evidence of Leader's conviction for battery on a police officer and resisting arrest from being admitted, Goldsmith said. The conviction stemmed from the same incident as the civil suit.

"We feel that would have had a substantial impact on the case," Goldsmith said.

Testimony showed one of two CHP officers who arrested Leader on Feb. 5, 1978, hit him with his baton and Leader suffered multiple facial fractures.

"The cheek bone and arch around the eye socket were crushed," Blatt said.

Leader, 39, was riding a customized motorcycle at 1 a.m. on Soledad Canyon Road on Feb. 5, 1978, when he was stopped by two CHP officers.

The CHP officers stopped Leader because they said he ran a red light and may have been driving under the influence of alcohol. He was subsequently acquitted of those charges. Leader refused to take a field sobriety test and was arrested by the officers. They testified he was abusive, antagonistic and uncooperative, Blatt said.

The two testified Leader attacked one of the officers who was unable to drive him off with his baton. At that time, the second officer, who Blatt said was aiming for Leader's collar bone, hit the man's face with his baton, testimony showed.

Leader, unconscious, "fell into the arms of one of the officers while the other asked words to the effect of, 'Did I kill him', " Blatt said.

Leader denied attacking the officer. He testified he was in the process of being handcuffed when he saw the silhouette of a baton coming down. At that point, he said, he jerked his arm around, blocking the baton.

Leader said he was hit in the stomach, knocking his wind out, and then hit on the right side of the face.