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## Civil rights attorney Ben Crump files lawsuit against Hollywood, police officers over shooting that paralyzed man

*Shira Moolten, Angie DiMichele*

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Civil rights attorney Ben Crump filed a federal lawsuit Tuesday against the City of Hollywood and the three police officers involved in a shooting that paralyzed Michael Ortiz in July 2021.

The officer who shot Ortiz said he believed his gun was his Taser. He is facing a [misdemeanor charge in criminal court](#).

“Criminal culpability has run its course,” Crump said at a news conference Wednesday announcing the lawsuit, “and it has told us that the officer is just getting a slap on the wrist.”

Ortiz called 911 on July 3, 2021, complaining of chest pains and said that he had taken drugs, Hollywood Police said in a statement last year. He was making “delusional and suicidal statements.”





Betty Garcia cries as her son, Michael Ortiz, speaks during a news conference at the Broward Public Defender's office at the Broward County Courthouse in Fort Lauderdale on Wednesday, March 1, 2023 as attorneys Ben Crump, left, and Hunter Shkolnik look on. (Amy Beth Bennett/South Florida Sun Sentinel)

When Hollywood Fire Rescue arrived at Ortiz's apartment in the 5200 block of Hollywood Boulevard, he would not open the door. While firefighters waited for officers to arrive, Ortiz came out of the sixth floor apartment naked and threatened to jump, the statement said.

As firefighters struggled with Ortiz, an officer deployed a Taser and restrained him, the statement said. The struggle continued as they moved toward an elevator, where Ortiz kicked and resisted before an officer shot Ortiz once, believing the gun was his Taser.

The shooting paralyzed Ortiz, 43, from the waist down, forcing him to use a wheelchair. His mother now has to take care of him. He has more than \$3 million in hospital bills, his attorneys said.

"My life got destroyed," Ortiz said Wednesday, his mother standing beside him. "And not only my life, my mom's ... I'm 43 and changing diapers."

The State Attorney's Office announced in September that Hollywood Police Officer Henry Andrews, 50, was charged with culpable negligence, a misdemeanor, in the shooting.

"Because his charges are all misdemeanor charges, we are seeking greater justice for Michael Ortiz," Crump said Wednesday. "His family deserves to be able to give him the best quality of health

that anybody can ask for.”

Crump has joined co-counsel attorney Hunter Shkolnik of Napoli Shkolnik PLLC and attorney Sue-Ann Robinson of Robinson Caddy Lawin in suing the city, Andrews, and the two other officers they say were involved in the incident, Jhonny Jimenez and Diante Roots.

The Hollywood Police statement did not identify the officers involved.

Andrews remains on administrative duties with pay and an Internal Affairs investigation is still ongoing, according to Deanna Bettineschi, a spokesperson for Hollywood Police.

He has worked for the department for 21 years, his defense attorneys wrote in a September court filing in the criminal case.

Bettineschi did not respond to the lawsuit Wednesday, saying “we cannot comment on pending litigation.”

The Florida Department of Law Enforcement also opened an investigation after the shooting. The investigation remains active “through prosecution,” said Dana Kelly, a spokesperson for FDLE.

[ [PAST COVERAGE: Hollywood Police officer charged in July 2021 shooting that left a man paralyzed](#) ]

Crump and Schkolnik said Wednesday that they believe other law enforcement officials, such as the paramedics who responded to the scene, may also be responsible, and the lawsuit later could include them as more information becomes available through discovery.

They are seeking “many multiples” of the \$3 million Ortiz needs to pay his medical bills, Crump said.

The attorneys cited video footage of the incident, which they said depicts Andrews stepping off of the elevator, pulling his gun out, putting it to Ortiz’ back, and shooting him while he was naked and

handcuffed.

The video is not publicly available because the judge in the criminal case against Andrews has to make a ruling that the video can be released.



Attorney Ben Crump speaks during a news conference at the Broward Public Defender's office at the Broward County Courthouse in Fort Lauderdale on Wednesday, March 1, 2023. (Amy Beth Bennett/South Florida Sun Sentinel)

"We would demand that the video is released," Crump said. "We think it's important that everyone in Hollywood, South Florida, America sees what the officer did that caused Michael Ortiz to be paralyzed."

Crump's legal team had previously filed a complaint on Ortiz's behalf in Broward County against the police department, alleging the department violated Florida's public records laws by denying a request for surveillance video from the apartment, 911 calls, police reports, body-worn-camera video, witness statements and police radio dispatches pertaining to the shooting, in addition to any past excessive force complaints against Andrews.

Court records say that case was disposed by a judge in June after the parties did not appear at a mandatory case management hearing.

[ [PAST COVERAGE: Man shot and paralyzed by Hollywood officer who thought he was grabbing Taser stun gun, police say](#) ]

Ortiz' attorneys argued Wednesday that the claim that Andrews used the gun by mistake is an "excuse."

His Taser was yellow-colored, they said, while his gun was black, and it was on the wrong hip, not the hip where his gun was holstered.

"The city sits back and says the police officer really didn't do anything wrong, just simple negligence here," Schkolnik said. "This is not negligence, this is just an excuse. The new excuse is, I made a mistake, I pulled the wrong gun."

In the criminal case, Andrews' defense attorneys argued that it can't be proven he knowingly fired his gun, filing a routine motion to dismiss the case.

"Simply put, the statute does not criminalize a mistake or accident," the defense wrote in its motion.

Prosecutors wrote in their response to the defense motion that witnesses at the scene testified that "Andrews did not specifically state to Ortiz" that he was about to deploy his Taser and that no one gave Ortiz medical help for 37 seconds after he was shot in the lower back.





Betty Garcia walks her son, Michael Ortiz, into a news conference at the Broward Public Defender's office at the Broward County Courthouse in Fort Lauderdale on Wednesday, March 1, 2023. (Amy Beth Bennett/South Florida Sun Sentinel)

Prosecutors wrote that Andrews took another training in February 2021 that included reviewing a document that says officers are not to deploy tasers when the person is handcuffed, unless they are trying to escape or harm themselves or others, and only after giving a verbal warning.

Andrews had deployed his Taser eight previous times since joining the police department, prosecutors wrote in their response, arguing he had successfully used it before while on duty and not only in training. He had also fired his gun on duty before.

Crump represented the family of Daunte Wright, who was killed by former Minneapolis police officer Kim Potter after she unintentionally shot Wright on April 11, 2021, meaning to deploy her Taser. Potter was sentenced last year to two years in prison.

Judge Regina Chu, who presided over the case, said Potter, a veteran officer, "made a tragic error" and imposed the lesser sentence as Potter was "in the line of duty and doing her job in attempting to lawfully arrest Daunte Wright."



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Andrews took Taser training just weeks before the incident with Ortiz that was mandated after Potter shot Wright, according to a court filing.

“When Daunte Wright of Minneapolis lost his life and the officer claimed she was going for the taser but shot him in the back, everybody scratched their head and said how can police make a mistake between a taser and a gun?” Crump said Wednesday. “If you were following your training, it doesn’t happen. If you’re being reckless, then that’s when it happens.”

Andrews’ next court date in the criminal case is in April.

*Information from the Associated Press was used in this report.*