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February 25, 2025

City of Phoenix
c/o City Clerk
200 W. Washington St.
Phoenix, AZ 85003Officer Blake Willer
c/o Phoenix Police Department
620 W. Washington St.
Phoenix, AZ 85003Officer Kristofer Gries
c/o Phoenix Police Department
620 W. Washington St.
Phoenix, AZ 85003Officer Matthew Smith
c/o Phoenix Police Department
620 W. Washington St.
Phoenix, AZ 85003**NOTICE OF CLAIM**

We represent Sergio Nino III (“Sergio”). This is his notice of claim.

On January 23, 2024, Sergio’s father called the Phoenix Police Department to come to his house. Sergio’s father shares the same name as his son and is therefore referred to as “Mr. Nino” to avoid confusion. When officers Kristofer Gries, Blake Willer, and Matthew Smith arrived at his home, Mr. Nino told them that Sergio had been “acting out” by missing school and not wanting to give Mr. Nino his cell phone. The officers’ entire interaction with Mr. Nino and Sergio was captured by their body cameras. For your convenience, the footnotes to this notice will direct you to the portion of the video documenting the shocking events that are described below.

The officers advised Mr. Nino to “drag [Sergio]” and “hit him.”¹ They went on to tell Mr. Nino that “if you wish to beat him, beat him. If you wish to belt him, belt him,” because Sergio “only has rights from the government. He has no rights from you.”² They then advised Mr. Nino: “If he’s gonna treat you like garbage, you treat him like garbage. Throw him out on the streets.”³

After 10 minutes of discussion with the officers, Mr. Nino asked: “So can you take his phone, then? Can you talk to him?” Mr. Nino then took the officers to Sergio’s room.

¹ Video Footage, at 5:25.

² Video Footage, at 5:25-5:40.

³ Video Footage, at 6:38.

The officers ordered Sergio, a 16 year old teenager, to come out of his room. Sergio complied in a calm, non-aggressive manner.⁴ When Sergio came out of his room, the officers immediately began to harass and demean him.

Sergio told the officers that his father abuses him.⁵ Despite being mandatory reporters of child abuse pursuant to A.R.S. § 13-3620(A)(2), the officers outright dismissed Sergio, telling him that he had not been abused and that Mr. Nino can hit Sergio, tackle him and “do whatever he wants.”⁶ As Sergio tried to further explain Mr. Nino’s physical abuse, Officer Willer told Sergio: “You have no rights” and “Your dad should beat you.”⁷ Sergio’s sister confirmed Sergio’s claim, but like Sergio, she was ignored and dismissed by the officers without showing any interest in, or making investigation into, the reported child abuse.

Then Mr. Nino asked for Sergio’s phone. The officers told Sergio to give it to him. Sergio explained that the phone was his own property, that he pays his own phone bill. The officers ignored Sergio and threatened to use force to make him give the phone to his father: “We can put handcuffs on you right now.”⁸ When Sergio inquired about the reason the officers believed he could be handcuffed, Officer Gries responded: “Just to detain you because you’re being a little brat.”⁹

Sergio then asked the officers: “So my dad can physically abuse me?” The officers responded, “yes.”¹⁰ Sergio then took out his phone to record the interaction with the officers.¹¹ As depicted in the images below, Officer Willer abruptly snatched Sergio’s phone out of his hands.¹²

⁴ Video Footage, at 10:50.

⁵ To support Sergio’s claims of innocence and parental abuse, Sergio asked his sister, who was 18 years-old at the time, to be part of the discussion with the officers.

⁶ Video Footage, at 11:25-40.

⁷ Video Footage, at 11:50-12:00.

⁸ Video Footage, at 12:50.

⁹ Video Footage, at 12:55.

¹⁰ Video Footage, at 14:29.

¹¹ Video Footage, at 15:01-08.

¹² Video Footage, at 15:01-08.



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¹³ Video Footage, at 15:01.

¹⁴ Video Footage, at 15:02.



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Surprised, Sergio turned to face Officer Willer and reached for his phone. Sergio's conduct was non-violent and non-aggressive and was a natural, logical response under the circumstances. Reasonable law enforcement officers could not have thought Sergio was assaulting them or otherwise posing any threat.



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¹⁵ Video Footage, at 15:02.

¹⁶ Video Footage, at 15:02.



Immediately after Sergio turned towards Officer Willer, officers Gries and Willer attacked Sergio.¹⁸ The officers pummeled Sergio face down to the ground, causing a 3-centimeter laceration to Sergio's face, from which blood splattered all over the scene.¹⁹



Sergio immediately cried out in pain and begged the officers to loosen the handcuffs around his wrists. The officers ignored him. In the few minutes it took the officers to move Sergio out of the

¹⁷ Video Footage, at 15:03.

¹⁸ Video Footage, at 15:02-15:18.

¹⁹ Video Footage, at 15:02-15:18.

house, **Sergio told the officers the handcuffs were too tight more than 25 times.**²⁰ The officers, who clearly heard Sergio's complaints, chose to ignore Sergio's injury over and over, instead telling him that it was his fault that he was injured.

Because Sergio was bleeding profusely from the laceration on his face, the officers took him to JCL Deer Valley for medical examination. A nurse "noticed [Sergio] was tearful and complaining of pain[,]” and so she asked the officers to loosen Sergio's handcuffs.²¹ The officers refused, claiming the handcuffs were not tight and that Sergio was "moving too much.”²² The nurse also relayed to the officers that Sergio was reporting that his father abused him.

Again, instead of taking the report of child abuse seriously, as they are statutorily required to do, the officers dismissed Sergio's claims of child abuse. To justify their deliberate indifference to these repeated reports of child abuse, the officers wrote in their incident report that they "explained the circumstances" to the nurse, and reported that Sergio had not made a prior claim of abuse, which was false.

WHILE SERGIO III WAS BEING TREATED HE BEGAN MAKING STATEMENTS TO MEDICAL STAFF THAT HIS FATHER ABUSES HIM AND WAS PUNCHING HIM IN THE FACE. MEDICAL STAFF CONTACTED OFFICER WILLER, SMITH AND I ABOUT THE ISSUE. WE EXPLAINED THE CIRCUMSTANCES AROUND WHAT HAD OCCURED AND HIS RECENT BEHAVIOR. WE ALSO NOTIFIED MEDICAL STAFF THAT HE MADE NO STATEMENT TO US AT ANY TIME THAT HIS FATHER IS ACTUALLY ABUSING HIM.

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When the nurse alerted the officers to the fact that Sergio's right wrist was swelling, the officers finally complied with the request to loosen the handcuff on Sergio's right wrist. An X-ray taken at the hospital revealed that Sergio had a fractured wrist, for which he required surgery.

After the fact, the officers admitted in their incident report that it was visually obvious that Sergio's right wrist "was limp when he was handcuffed and [when he was] on the ground" but that they failed to notice this fact²⁴—the same fact that Sergio brought to their attention more than 25 times.

Sergio was also treated for the 3-cm-long facial laceration caused by the officers when they slammed him into the floor. He needed five sutures to repair this facial laceration, and may be left with permanent facial scarring. Sergio's wrist injury has hindered Sergio's ability to engage in daily activities, such as writing, working out, and playing video games. To this day, Sergio's daily life has been limited by his wrist injury. Sergio continues to suffer from the injuries, the medical expenses, and their impact on his life.

²⁰ Video Footage, at 15:40-16:23.

²¹ Dr. John Raymond Zambito's Notes (Jan. 1, 2024), at 6.

²² Dr. John Raymond Zambito's Notes (Jan. 1, 2024), at 6.

²³ Phoenix PD Incident Report, at 18.

²⁴ *Id.*

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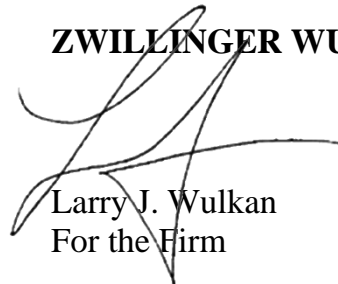
There was no imminent threat to the officers' safety when they used excessive force on Sergio, a non-violent and unarmed minor, who had merely reached for his phone in a non-aggressive manner. Contrary to the false statements made by the officers in their incident report, the body camera footage shows that Sergio did not ball his fists, lunge, or act aggressively during his interaction with the officers.

The officers' excessive force, and their deliberate indifference to his injuries caused by that force, were objectively unreasonable. Should this claim remain unresolved, we intend to bring an action against the City of Phoenix, and officers Kristofer Gries, Blake Willer, and Matthew Smith (and their spouses, if any, to preserve our client's ability to recover from any community property implicated by the officers' misconduct).

A.R.S. § 12-821.01 requires a claimant to include in a notice of claim a specific dollar amount for which their claim can be settled. That amount is \$500,000.00. This demand is eminently reasonable and intended to result in an early resolution to this matter. If this offer is not accepted, please be assured that any future settlement offers will increase given the additional and substantial attorneys' fees and expenses Sergio will be forced to incur in pursuing legal action.

Sincerely,

ZWILLINGER WULKAN PLC

A handwritten signature in black ink, appearing to read 'Larry J. Wulkan', is written over the printed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Larry J. Wulkan
For the Firm