



WRONGFUL DEATH CASE

KERN SETTLES LAWSUIT FOR \$3.4 MILLION



Lawyers for family of **David Sal Silva**, who died in custody in 2013, say deal is 'vindication' of campaign for justice; sheriff maintains that deputies involved performed their duties as they should have **LOCAL | 2**

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Kern County settles David Sal Silva wrongful death suit for \$3.4 million

BY JASON KOTOWSKI
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A lawsuit against Kern County involving allegations of wrongful death and excessive force in the death of Bakersfield resident David Sal Silva was settled Wednesday for \$3.4 million, according to the law firm of Chain Cohn Stiles.

The settlement brings an end to legal wrangling in the death of the 33-year-old Silva in May 2013, an incident that led to protests and calls for increased scrutiny of law enforcement.

"The settlement today, nearly three years to the date of Silva's death, is a vindication of a three-year campaign by the Silva family for justice, which brought national and international media attention to police brutality in Bakersfield," a news release from the law firm states.

Sheriff Donny Youngblood said Wednesday evening he was not in favor of the settlement, and that the deputies involved in a con-

frontation with Silva performed their duties as they were supposed to.

"I think the pathologist's report speaks volumes," Youngblood said in reference to findings, which were reviewed by the chief medical officer of San Bernardino County, that Silva died as a result of heart disease and had methamphetamine, a muscle relaxant and alcohol in his system at the time of death.

The sheriff added he believed the jury pool was tainted by attorneys and the news media. The case had been scheduled to go to trial next week.

Chain Cohn Stiles attorneys, along with two Los Angeles-based civil rights attorneys, represent Silva's four children, his mother and the estate of his father, which is now in the care of his brother, Christopher Silva. The law firm of Rodriguez & Associates represents Silva's girlfriend.

Attorney Daniel Rodriguez, of Rodriguez & Associates, said

Wednesday evening the settlement of the case was probably the best thing for Silva's girlfriend, Tara Garlick, and the four children.

"It allows her to have closure on a very painful chapter in the life of her family," Rodriguez said. "She and her children can now focus on moving forward with their lives in a way that will honor the memory of David Silva."

Kern County Counsel Theresa Goldner could not immediately be reached for comment.

The confrontation between Silva and law enforcement began just before midnight on May 7, 2013, after deputies responded to a report of an intoxicated man outside Kern Medical. Silva had been found sleeping across the street from the hospital.

Deputies tried to wake him, and an altercation ensued where Silva fought against deputies and a police dog, investigators said. Deputies said they struck him with batons in an effort to get him to comply with their orders, and he



COURTESY OF THE SILVA FAMILY

David Sal Silva and his three daughters Makayla, 10, Katelyn, 4, and Chelsey, 8. Silva, 33 and the father of four young children, died in May 2013 after deputies say he fought with them and CHP officers who'd responded to a report of a possibly intoxicated man outside of Kern Medical.

also suffered multiple dog bites.

Deputies handcuffed Silva, and, with the assistance of two California Highway Patrol officers, used a

hobble restraint on his legs. A spit mask was placed on him for the blood on his face and because

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Local

Police: Murder suspect sent images of bodies of mother, stepfather to a relative

BY JASON KOTOWSKI
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After allegedly gunning down his mother and stepfather, a Bakersfield man sent images of their bodies to a relative and claimed he found them dead upon entering their northwest Bakersfield home, according to search warrants.

Police responding to a call to check the welfare of the couple early Saturday found 29-year-old Derek Connell backing a car out of a garage in the 5000 block of Lily Pad Court, a recently filed search warrant states. Officers detained Connell and entered the house through the garage.

They immediately found the body of Christopher Tare Higginbotham, 48, lying face-down in a pool of blood, the warrant states. It appeared bleach had been poured on his skin and clothing in an effort to clean up. Officers then found Connell's

mother, Kim Higginbotham, 48, down the hall and to the left, the warrant states. She was also lying in a pool of blood, a spent projectile near her body.

Both were pronounced dead at the scene. Two shotguns, five handguns and seven rifles were seized from the home, according to the warrant.

Police said Connell used FaceTime to send video of the bodies to a relative outside the country.

Connell is charged with two counts of murder and is eligible for the death penalty. He's being held without bail and is scheduled to be formally arraigned May 11.

Kim Higginbotham was a 16-year teacher with the Delano Union School District and one of four kindergarten teachers at Princeton Street Elementary School in Delano. Christopher Higginbotham worked for Chevron Global Power at the Bakersfield Kern River Cogen, a co-generation power plant.



JASON KOTOWSKI / THE CALIFORNIAN
Derek Connell, accused of killing his mother and stepfather, hides his face as he stands next to Deputy Public Defender Paul Cadman in court Tuesday.

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deputies were afraid he might spit on them.

The mask was in place 20 seconds when Silva vomited, and then it was immediately removed.

Deputies rolled Silva onto his side and checked his pulse three times. The third time they could not feel a pulse.

Medical aid arrived soon afterward, but Silva was pronounced dead 49 minutes after the first deputy awakened him. In total, seven deputies and two CHP officers were involved in the incident. The Silva family alleged deputies pressed down on Silva throughout the incident, leading to his death by asphyxiation.

Several bystanders recorded the confrontation on cellphones, which were later seized by investigators. The witnesses claimed they were forcefully

detained in their homes when investigators took their phones, but Chief Deputy County Counsel Mark Nations has said they were free to come and go, as long as they kept the cellphones in the presence of deputies.

Nations has said authorities were justified in securing the witnesses' cellphones because they were evidence in an in-custody death.

A pathologist determined Silva died as a result of hypertensive heart disease. He had amphetamine, methamphetamine and the muscle relaxant Phenazepam in his system at the time of his death, and a blood alcohol content of 0.095, according to the coroner's office.

In Kern County, the coroner's office is part of the sheriff's office.

Dr. Frank Sheridan, chief medical examiner of San Bernardino County,

was hired by the District Attorney's Office to review the findings. He concluded the autopsy was done in a thorough manner and there was no evidence Silva's death was a result of blunt force trauma or physical restraint that caused him to be unable to breathe.

In April 2014, District Attorney Lisa Green announced no criminal charges would be filed following an investigation by her office that included reviewing Sheriff's Office and FBI reports and hiring Sheridan. She said Silva's death was not a homicide, and law enforcement used reasonable force to arrest him.

Six months later, an independent FBI inquiry determined there was not enough evidence to support a federal prosecution against the deputies and officers.

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