

JONES, SKELTON & HOCHULI ATTORNEYS SAVE THE CITY OF YUMA \$1.5M

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Chelius v. Small – Jones, Skelton & Hochuli attorneys [Don Myles](#) and [Michele Molinaro](#)

prevailed by summary judgment in a 42 U.S.C. § 1983 civil rights action against the City of Yuma. The U.S. District Court for the District of Arizona found that there was no liability on the part of City of Yuma because the arresting officer did indeed have probable cause to arrest the plaintiff, Rodney Chelius. The net effect of this victory was to save the City of Yuma over \$1.5 Million in potential damages and reiterate the Yuma Police Department's authority under the Constitution to arrest suspects when there is probable cause that a crime has been committed. A summary of the case is as follows.

The case stemmed from the September 2012 arrest of the plaintiff Rodney Chelius by Yuma Police Department officers. Although Chelius' arrest did indeed lead to a charge, the criminal case was eventually dismissed due to lack of cooperation by the alleged victim. Chelius in turn sued the City of Yuma and the arresting officer alleging false arrest and imprisonment, and malicious prosecution.

The central issue to the Motion for Summary Judgment concerned whether the officer's arrest was predicated on sufficient probable cause. In the state of Arizona, probable cause exists to make an arrest when the arresting officer has reasonably trustworthy information that would lead a reasonable person to believe that a criminal offense had been committed. Judge Douglas L. Rayes noted, "Arizona law permits an officer to arrest a person if the officer has probable cause to believe that domestic violence has been committed by that person, regardless of whether the offense is a felony or misdemeanor and of whether the offense was committed in the officer's presence." In summary, Judge Rayes agreed with the position of the defense, that sufficient probable cause existed that Chelius was guilty of some crime.

[Don Myles](#) focuses his practice on defending clients in cases involving catastrophic injury and wrongful death claims, bad faith and extra-contractual liability, professional liability, and insurance coverage.

[Michele Molinaro](#) joined Jones, Skelton & Hochuli in 2008, and has been a Partner since 2013. As a trial attorney since 2000, she has tried state and federal jury and bench trials and administrative law hearings. Michele concentrates her civil litigation practice on governmental entity defense with an emphasis on civil rights matters.