

Gag order sought in cop suit

Police lawyers fear 'adverse publicity' over custody death

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Lawyers for the Chicago Police Department have asked a federal judge to bar lawyers and family members of Frederick Grady from talking to the media about a lawsuit alleging police officers beat Grady while he was in custody.

The motion, scheduled to be heard Thursday by U.S. District Judge Ruben Castillo, contends that attorney Berve Power and members of Grady's family have spoken repeatedly to radio and TV stations and newspapers "to put forth prejudicial and adverse comments regarding the issues in this case" in an "attempt to create adverse publicity" in advance of the trial, now scheduled for June 11.

Grady, a noted jazz drummer who worked as a carpenter, was taken into police custody about 8:45 p.m. on April 8, 2003, after he was involved in a traffic accident. His van had been towed and, police said, he was arrested after he entered private property to retrieve his tools from the van.

He was placed in a cell at the Monroe District police station. At 1:50 a.m., he was found dead on the floor of the cell with two abrasions on his forehead and a gaping wound on his right hand. The lawsuit alleges there were no wounds on his head when he came to the station, and a booking photo shows no injuries.

The city contends that Grady died of a heart attack and that police had nothing to do with his death.

Power alleges that in sworn depositions, police officials and Fire Department paramedics have given conflicting versions of what occurred before Grady's death. For example, the paramedics filed a report of the traffic accident saying that Grady had "No open wounds. No visible active bleeding."

But that report also later said Grady refused medical treatment and that while that refusal was being documented, he received a cut to his right hand. One of the officers who arrested Grady said in a deposition that Grady had a bandage on his hand, but the officer in charge of the lockup at the police station said that Grady was not bleeding from his hand.

Power and his co-counsel, Lewis Myers Jr., representing the Grady family, contend in a motion filed in response to the city's request that they have "not overstepped any rule" and that they "have a 1st Amendment right to comment on an ongoing civil case."

The city, in its motion, argues that further "articles and other commentary in the media would be prejudicial to the defendants, would certainly influence the jury and would most likely deplete or severely diminish the jury pool of possible unbiased jurors."

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