

Jury awards \$11 million to W. Philly man shot by Devereux escapee

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A jury has awarded \$11 million in damages to a West Philadelphia man who was shot and critically wounded in 2011 by a teen who escaped from a Devereux Foundation juvenile treatment facility in Chester County.

Lawyers for Eric Johnson, 47, contended that staff at the Devereux facility in Glenmoore did not know that 16-year-old Shykir Crew was missing when the teen shot and wounded Johnson during a 2 a.m. robbery on June 23, 2011, in the 5300 block of Poplar Street in West Philadelphia.

The Common Pleas Court jury of nine women and three men deliberated about four hours Thursday and Friday before returning a verdict. One juror dissented from the verdict.

Although the jury did not detail how it reached the total damages of \$11,000,037, the amount far ex-

ceeded the \$3.2 million for Johnson's future medical care and \$1.6 million to \$2 million in lost earnings sought by his lawyers, **Dominic Guerrini and Colin Burke.**

"I feel like this is right," Johnson said after the verdict. "But no amount of money is worth your health."

The bullet remains lodged in Johnson's spine. Although he can walk short distances with dual canes, Johnson mainly uses a wheelchair and is permanently disabled. Guerrini said that when Johnson was shot, he was two days from passing a test for a new career as a radiological technician.

"We're extremely pleased by this verdict and it finally obtains full justice for Mr. Johnson," said Guerrini.

Guerrini said the verdict "should be a wake-up call to Devereux that things need to change, especially in light of recent events."

On March 2, police in Chester County arrested a 17-year-old resident of the Devereux Brandywine facility in Glenmoore and charged him with breaking into the home of a 72-year-old East Brandywine Township woman, attacking and robbing her and locking her in a closet. She remained in the closet for four days until a relative visited and discovered her.

The 105-year-old Devereux Foundation has been considered one of the country's premier behavioral health programs, serving about 3,800 children and adults at 90 sites.

"Today's verdict does not reflect the seriousness with which Devereux focuses on safety and quality, or the compassionate and effective care we provide every day," Leah S. Yaw, senior vice president of Devereux Advanced Behavioral Health, said in a statement after the verdict. "Nothing is more important to us, as the extensive evidence presented in this case clearly demonstrated."

Yaw said that providing behavioral health care to “the most traumatized and vulnerable children and teens in our nation is complex work, but these young people deserve a chance to heal, learn and grow.”

Lawyer Joe H. Tucker Jr., who with Leslie Miller Greenspan defended Devereux, said he would appeal the verdict.

“There are significant legal issues that the court will have to grapple with in our post-trial motions and before the Superior Court,” Tucker said.

Judge Ann Butchart denied Tucker’s in-court motion to set aside the verdict.

At trial, Tucker challenged the lawsuit on several grounds. He maintained that it should have been dismissed because Johnson did not file suit within the statute of limitations: within two years of being shot. Guerrini argued that Johnson did not know that Crew was at Devereux until Crew’s 2014 criminal trial.

Tucker also argued that Devereux could not have prevented the shooting because it was “unforeseeable.” Tucker said that Crew had a 3.9 grade point average, no major disciplinary record at Devereux, and had never gone AWOL. Crew was allowed to attend school off-campus in the local district, he added.

“Everything Devereux knew about Shykir Crew – none of it suggested that he would do what that other jury said he did,” Tucker told the jury in his closing.

Crew, now 22, is serving a sentence of 16 to 38½ years at the Greene state prison in Western Pennsylvania.

Tucker also challenged the credibility of Johnson’s identification of Crew as the shooter. Johnson said he recognized Crew’s face from the neighborhood, though the two did not know each other.

Guerrini built the civil case against Devereux on the 2014 discipline of a Devereux worker for sleeping on the job and failing to keep accurate records of bedchecks on residents. That same worker was responsible for monitoring Crew’s whereabouts the night before Johnson’s shooting.

“None of this would have happened if Devereux had just done its job,” Guerrini told the jury.