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\$11M Awarded to Man Shot by Escaped Devereux Patient

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A man shot and critically wounded by an escaped teenage resident from the Devereux Foundation facility in Glenmoore was awarded \$11 million in his lawsuit against the behavioral health and rehabilitation chain.

A Philadelphia jury handed up the verdict March 17 in favor of Eric Johnson, 47, who was shot by 16-year-old Shykir Crew in the early morning hours of June 23, 2011, in West Philadelphia. The bullet remains lodged in Johnson's spine, and he has difficulty walking because of incomplete paraplegia.

Crew, who went to prison for the shooting, was placed in Devereux by court order for behavioral reasons stemming from prior arrests linked to burglary and drug possession. Lawyers from Kline & Specter represented Johnson and argued Devereux was unaware that Crew had escaped, and was liable for failing to properly supervise him.

"I'm happy that Mr. Johnson will be able to now get the care he needs. This verdict will hopefully send a message to Devereux that they need to do a better job super-

vising these vulnerable residents," **Dominic Guerrini**, of Kline & Specter said in a statement March 17.

Joe Tucker of the Tucker Law Group represented Devereux.

Reached March 17, Tucker said in an email, "Today's verdict does not reflect the seriousness with which Devereux focuses on safety and quality, or the compassionate and effective care Devereux provides every day."

He added, "Devereux will be pursuing all of its appeal options in this case also to the Superior Court."

According to Johnson's pretrial memorandum, Crew, who had returned to West Philadelphia where he lived, attempted to rob Johnson as he was coming home from his job as a certified nursing assistant at St. Christopher's Hospital.

As Johnson parked his car on the 5300 block of Poplar Street, Crew approached him with his gun drawn and said "Give it up old head," the memorandum said. He then shot Johnson in his right side.

In addition to incomplete paraplegia, Johnson suffers from spinal pain, post-traumatic stress disorder, depression and other ailments, according to the memorandum.

In its court papers, Devereux argued its was obliged to provide "care in the 'least restrictive alternative'" under the Mental Health Procedures Act.

"This constitutional mandate required that the minimum restrictions necessary to carry out treatment and care be implemented. The Devereux PRTF [Psychiatric Residential Treatment Facility] in question was not a locked facility, correctional institution or guarded compound. Under the MHPA, Devereux is granted limited immunity from suit in the absence of 'gross negligence' and/or 'willful misconduct,'" court papers said.