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Shackled immigrant Juana Villegas' case to be retried

Jury must decide whether authorities violated pregnant immigrant's rights

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The controversial case of a Nashville woman from Mexico who became a national flashpoint in the debate about immigration enforcement is being reopened, perhaps adding months or even years to a legal battle that has already dragged on for nearly five years.

In a legal victory for Metro government, a federal appeals court on Monday declared that the case of Juana Villegas, who in 2008 was shackled to a hospital bed before giving birth, will be sent back to a lower court for retrial. Because the case's basic facts are in dispute, the court found that a jury must decide whether the Davidson County Sheriff's Office violated Villegas' rights and should be held responsible for her pain and

suffering.

In a 2-1 decision, the 6th U.S. Circuit Court of Appeals found that federal judge William Haynes Jr. ruled in a questionable manner in 2011 when he declared that county officials violated Villegas' rights. His ruling led to a \$200,000 award by a jury that was named only after his decision, in order to determine how much Villegas should receive for her emotional damages.

The reversal means that the amount awarded will be reconsidered. And for the first time, a jury and not a judge will consider whether county officials should be held liable for their treatment of Villegas.

Attorney Phil Cramer, who represents Villegas, said he is

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na Villegas, who in 2008 was arrested and shackled to a hospital bed while in labor, speaks at a rally in downtown Nashville in June 2012. / Shelley Mays / File / The Tennessean

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Written by Bobby Allyn The Tennessean

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"disappointed that this matter is not over" for his client. Yet he feels vindicated by the court's opinion that shackling a pregnant detainee while she is in labor "offends contemporary standards of human decency," a point he hopes will lead to a favorable outcome.

It is unclear whether Cramer will appeal the decision to the Tennessee Supreme Court.

Legal observers said testimony about how much county officials knew about the risk the shackling posed to a woman in labor and how they justified the shackling are going to be pivotal points in the trial.

"The important question in this case seems to be whether she would likely escape," said attorney Ben Raybin, who has followed the case. "The court said that shackling can be a civil rights violation, but it is not always a civil rights violation."

Daron Hall, the county's sheriff, said he was pleased with the court's decision. "I believe our officers followed accepted correctional practices, and we look forward to continuing the legal process," he said in a prepared statement.

Attorneys for Metro had also sought a new judge in the dispute, alleging that comments made by Haynes revealed that he was biased against their position. The appeals court rejected that request, and Haynes is expected to preside over the new trial.

A long saga

Villegas has lived in the U.S. since the mid-1990s and has four children, one of whom is in college. Her encounter with police began when she couldn't produce a driver's license during a routine police stop in Berry Hill. She was nine months pregnant at the time.

A Berry Hill police officer arrested her and took her to a county jail, where authorities determined that she was not a legal resident. Her attorneys have pointed out that not having a valid license typically results in a citation, not an arrest.



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After sitting in jail for three days, Villegas went into labor. She was transported in an ambulance handcuffed and with her legs restrained together. Her illegal status made her a “medium-security inmate,” and according to county rules, inmates with that designation must be shackled until they return to jail.

According to court documents, one of the officers in the ambulance questioned the decision to restrain Villegas to his supervisor, who was also in the ambulance. Yet the shackles remained.

Villegas was unshackled when she gave birth, but an officer cuffed one of her ankles to the hospital bed a few hours later.

The charges against her were later dropped, but the legal fight was just beginning. Attorneys representing Villegas argued that local authorities acted with indifference about the emotional harm and potential physical damage the shackling could have caused. One researcher her attorneys cite, for instance, claims that shackling a pregnant woman increases her risk of developing potentially life-threatening blood clots.

Proving the indifference of authorities toward the potential medical risks and demonstrating emotional suffering will be critical to the trial, legal experts say.

Metro attorneys previously argued that Villegas' anguish came from a fear of deportation, not from being constrained before giving birth. Haynes barred jurors from knowing that Villegas was in the country illegally.

Villegas' case brought national attention to Nashville's 287(g) program, which allowed local deputies to enforce federal immigration law but has since been abandoned. Metro, in August, announced it would end the program and replace it with one in which federal agents check detainees' immigration status.

Eben Cathey, spokesman for the [Tennessee Immigrant and Refugee Rights Coalition](#), which has advocated on Villegas' behalf, was let down by the court's ruling.

“Juana deserves justice, the citizens of Davidson County deserve closure, and neither were served by today's decision,” she said.

Although the cost to taxpayers of a retrial could not be determined, Villegas' attorneys' fees from the first trial exceeded \$1.1 million.

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