



**For Immediate Release**  
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### **LDF Submits Appellee's Brief in Qualified Immunity Excessive Force Case**

Today, the NAACP Legal Defense and Educational and Fund, Inc. (LDF), working with Rights Behind Bars, submitted an appellate response brief on behalf of LDF's client Marcus Briceno, who suffered unreasonable force at the hands of Officer Blake Williams of the San Diego Police Department.

As Mr. Briceno was helping his mobility-impaired friend into a vehicle, Officer Williams arrived, exited his police vehicle, and began to approach Mr. Briceno while issuing commands. Mr. Briceno provided Officer Williams with his personal identification card, but Officer Williams then pushed, grabbed, and punched Mr. Briceno, forcing him to flee out of concern for his own safety. Officer Williams chased Mr. Briceno and tackled him, causing Mr. Briceno to fall to the ground face-first and with his hands pinned underneath his own body. Officer Williams then punched and kned Mr. Briceno until he lost consciousness.

Mr. Briceno filed a pro se lawsuit, which Officer Williams asked the District Court to dismiss on qualified immunity grounds. The District Court refused to do so, holding that Officer Williams was not entitled to qualified immunity because a jury could find that he had used excessive force against Mr. Briceno. Officer Williams then filed an appeal, challenging the district court's decision. Mr. Briceno retained Rights Behind Bars and LDF to represent him on appeal.

LDF's brief argues that the District Court was correct to deny Officer Williams qualified immunity and that its decision should be affirmed on appeal. Officer Williams' force was clearly unreasonable, he did not suspect Mr. Briceno of a serious crime, he could not reasonably have perceived Mr. Briceno as a threat, Mr. Briceno was not resisting at the time Officer Williams struck him unconscious, and alternative methods to detain Mr. Briceno were readily available to officers.

"Officer Williams, who merely suspected Marcus Briceno of having an open container of alcohol, repeatedly and needlessly assaulted Mr. Briceno, ultimately knocking him unconscious. Qualified immunity cannot extend to officers who have engaged in this kind of plainly dangerous and illegal conduct," said LDF Assistant Counsel Georgina Yeomans.

“Not only does prior case law put Officer Williams on notice that what he did was illegal, but any officer of the law should have known that beating a non-resisting suspect to unconsciousness is a violation of the Fourth Amendment.”

“The law does not protect the plainly unconstitutional actions of Officer Williams,” said Oren Nimni, Litigation Director of Rights Behind Bars. “Accountability is necessary to ensure that officers do not continue to beat non-resisting people under the guise of enforcing the law.”

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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