

In case of controversial shooting of unarmed, 20-year-old Jayvis Benjamin, Court of Appeals sets hearing

Appeals lawyer for the family of Benjamin, Patrick Megaro, will argue the issues before the appeals court.

ORLANDO, FLORIDA, UNITED STATES, August 19, 2018 /EINPresswire.com/ -- [Halscott Megaro](#) PA announced that an appeal involving the shooting of Jayvis Benjamin will be heard by the Court of Appeals. In January 2013, Lynn Thomas, a police officer in Decatur, Georgia shot and killed an unarmed 20-year-old black college student, Jayvis Benjamin. Benjamin had allegedly stolen a car and crashed it in a residential front yard. Officer Thomas shot and killed Benjamin after he exited the vehicle through the window because the door would not open. The facts as to what exactly happened when Benjamin exited are in dispute. The police cruiser's dashboard video of the incident is inconclusive, the shooting took place off-camera.



Attorney Patrick Megaro on Fox News

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This case has been controversial and divisive. Facts are in dispute. Hopefully the hearing before the Court will clarify the issues for a just resolution of the matter.”

Patrick Megaro, Defense Lawyer

A civil grand jury recommended officer Lynn Thomas be indicted for Benjamin's death. In March 2016, however, the District [Attorney](#) decided not to charge the police officer, supposedly because its investigation concluded that a struggle had ensued. See news report <https://decatrish.com/2016/03/reports-avondale-estates-officer-will-not-be-charged-for-shooting-unarmed-man/>

Officer Thomas was subsequently promoted to Police Chief in 2016. See the news report at <https://decatrish.com/2016/07/avondale-estates-officials-defend-hiring-police-chief-who-shot-unarmed-man/>

With the assistance of attorney [Patrick Megaro](#), Benjamin's mother filed a lawsuit over the death of her son in May 2016 pursuant to 42 U.S.C. § 1983 (civil rights violations) in the U.S. District Court, Northern District of Georgia, alleging Excessive Force, Negligent Hiring/Training/Retention of Employment Services, and Wrongful Death against Avondale Estates Police Department (AEPD) Sergeant Lynn Thomas, Officer Thomas Gillis, Chief Gary L. Broden, and The City of Avondale Estates. All of the defendants except for Lynn Thomas were dismissed from the case. Lynn Thomas successfully moved for summary judgment (a decision based on the pleadings and available evidence before an actual trial), resulting in an appeal to the U.S. Court of Appeals for the Eleventh Circuit.

The Court of Appeals determined on August 3 that oral argument is necessary in this case. The

issues in the case are essentially as follows: whether there are material facts in dispute that preclude summary judgment, especially where the issue is excessive force, and whether deadly force was justified under the circumstances in which Jayvis Benjamin was not being arrested for a violent offense, was not armed, and did not attack Lynn Thomas.

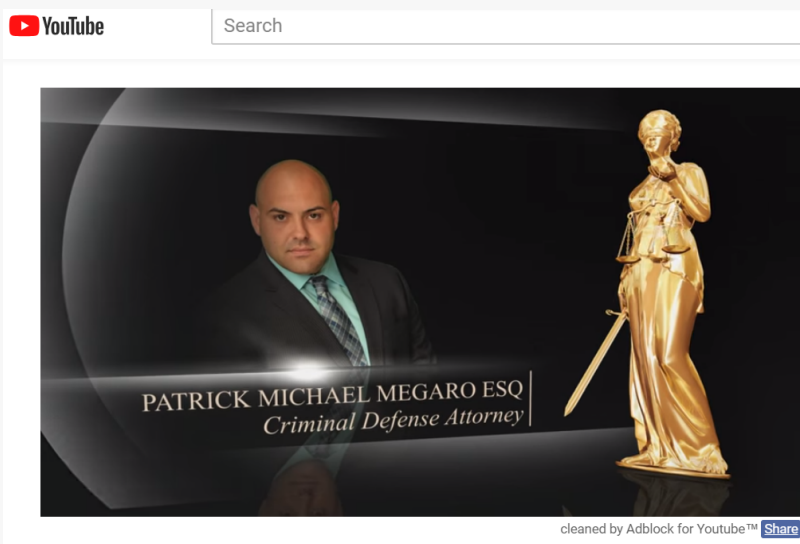
Patrick Megaro, the attorney for Benjamin's family, noted that he appreciates the opportunity to explain the disputed issues to the Court. "This case has been controversial and divisive. Facts are in dispute. Hopefully the hearing before the Court will clarify the issues for a just resolution of the matter."

This incident has been widely reported and commented on in the press. Based on the published articles and opinions, it appears that to this day the facts are still controversial and disputed. The many news articles about the incident include, apart from the two articles referred to above:

The Atlanta Journal-Constitution: "DeKalb DA: Cop won't be charged in controversial shooting,"
<https://www.myajc.com/news/crime--law/dekalb-cop-won-charged-controversial-shooting/Rf5YuWCDyIY321rHX2m8GN/>


New York Daily News: "King: A Georgia cop gunned down unarmed black student Jayvis Benjamin nearly three years ago — so why no grand jury hearing?,"
<http://www.nydailynews.com/news/national/king-georgia-won-indict-fatally-shot-black-man-article-1.2466691>

The appeals case is MONTYE BENJAMIN, and on her own behalf as administratrix for the estate of her Son Jayvis Ledell Benjamin v. LYNN THOMAS, Court of Appeals Docket #: 18-10204 (United States Court of Appeals for the Eleventh Circuit).



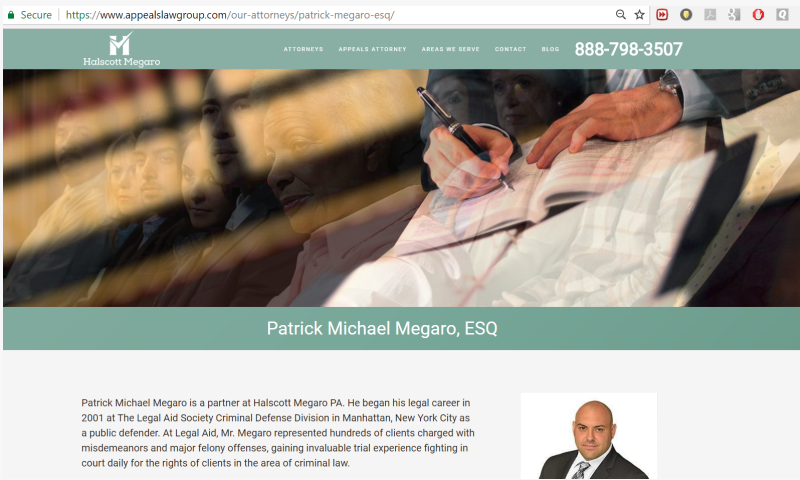
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Patrick Michael Megaro, ESQ

Patrick Michael Megaro is a partner at Halscott Megaro PA. He began his legal career in 2001 at The Legal Aid Society Criminal Defense Division in Manhattan, New York City as a public defender. At Legal Aid, Mr. Megaro represented hundreds of clients charged with misdemeanors and major felony offenses, gaining invaluable trial experience fighting in court daily for the rights of clients in the area of criminal law.

Website AppealsLawGroup, Patrick Michael Megaro, Criminal Defense Lawyer

About Attorney Patrick Megaro

Patrick Michael Megaro is a partner at Halscott Megaro PA. His primary areas of practice are criminal defense, criminal appeals, post-conviction relief, civil appeals, and civil rights litigation.

References

Website:

<https://www.appealslawgroup.com/our-attorneys/patrick-megaro-esq/>

News at: <https://hype.news/patrick-megaro-attorney/n-ba064c55-8ee2-42b7-ba81-cf7edd4d175f/stories>



Patrick Megaro, Attorney, on Today Exclusive Television

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Better Business Bureau Profile: <https://www.bbb.org/central-florida/business-reviews/attorneys-and-lawyers/appeals-law-group-in-orlando-fl-90326269>

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