

September 19, 2022

**Filed Via: Process Server**

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**Maricopa County Sheriff's Office**  
**Employee: Richard Bonilla**  
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Phoenix, AZ 85003

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**Former Maricopa County Sheriff's Office**  
**Employee: Angelo Pearcy**



Paul Penzone  
**Maricopa County Sheriff's Office**  
550 W. Jackson St.  
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**NOTICE OF CLAIM**

We represent the Estate of Steven Lemus; Angelica Tautimez, on behalf of Leilani and Jairo Lemus, the minor children of Steven Lemus ("Steven"), and Arcelia Romero, Steven's mother. This is our clients' notice of claim arising from Steven's death.

Steven was arrested on March 28, 2022. He was taken to the Fourth Avenue Jail and placed in a cell with Michael Schroeder ("Schroeder") on March 29, 2022. Schroeder had been incarcerated in the jail since March 21, 2022. Until Steven arrived, Schroeder had been housed in a cell by himself.

During Schroeder's short stay in the jail, various detention officers observed that his behavior was unusual. On at least one occasion, detention officers had to move Schroeder from his cell when he refused to follow orders. During the move, Schroeder attempted to push officers to the ground, fought with them, and attempted to bite one of them. Schroeder threatened to harm others several times. An inmate in the neighboring cell warned officers not to put anyone else in the cell with Schroeder but they didn't listen.

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On March 23, 2022, Schroeder demonstrated to a detention officer and mental health professional (Thomas Brothers) that he had knotted his pants three times, and soaked the knots in water, so as to practice using them as a weapon to choke someone.<sup>1</sup> At that time, Brothers had Schroeder transferred to the mental health unit at the Lower Buckeye Jail for evaluation. But inexplicably, rather than being kept in the mental health unit, Schroeder was cleared and sent back to the Fourth Avenue Jail. There was no order that Schroeder be kept in a cell alone.

On March 26, 2022, Brothers encountered Schroeder again. This time Schroeder had tied his towel in a knot, and he demonstrated how he could beat someone with it by hitting the knot on the table in his cell. Again, Brothers had Schroeder transferred to the mental health unit at the Lower Buckeye Jail for evaluation. Again, inexplicably, Schroeder was cleared and transferred back to the Fourth Avenue Jail, with no order that he be kept in a cell alone.

On another occasion, Schroeder approached Detention Officer Angelo Percy, told him that the tablets issued to inmates by the jail could be used as a weapon, and asked why the jail was providing weapons to its inmates. Rather than addressing this extremely troubling and obvious threat, Detention Officer Percy simply responded that the tablet was only a weapon if Schroeder were to use it as one.

Given Schroeder's prior violent outburst, his verbal threats, and his obvious obsession with objects that he could use as weapons against other inmates, it made no sense for jail staff to place Steven in a cell with Schroeder, yet that is exactly what happened.

Less than 24 hours after Steven's placement in the cell with Schroeder, at 6:40 a.m. on March 30, 2022, Schroeder called Detention Officer Richard Bonilla, using a button in his cell. Bonilla had just come on shift and was working in the control tower in Steven and Schroeder's unit. Schroeder told Detention Officer Bonilla, in no uncertain terms: "You'd better get somebody in here. I'm going to fuck this guy up." Rather than send an officer immediately, Bonilla instead contacted Detention Officer Percy, relayed verbatim what Schroeder had said, and asked Detention Officer Percy only to start with the cells on Schroeder's side whenever he eventually did his first walk through the unit. A short time later, two inmates housed in the cell next to Schroeder and Steven heard what sounded like someone being beaten up. They hit the button in their cell to call for help but no one responded.

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<sup>1</sup> When fabric is knotted in this fashion and soaked with water, it becomes extremely hard.

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At 6:48 p.m., before Detention Officer Percy started his walk, Schroeder called Detention Officer Bonilla again and said: “Come get the body.” Once again, Detention Officer Bonilla contacted Detention Officer Percy, who then went directly to the cell. When Detention Officer Percy arrived, he found Steven unresponsive and covered in a blanket laying on the floor of the cell. Schroeder told Detention Officer Percy that he had told the officers to come earlier. Schroeder had beaten Steven, strangled him, and then stabbed him in the eye with one of several pencils he had in his cell. Steven passed away at the hospital days later having never regained consciousness.

Detention Officer Nicholas Jacobson, who responded to the scene, recognized Schroeder. He had dealt with Schroeder before and described him as “a little crazy.” Indeed, it was Detention Officer Jacobson whom Schroeder tried to bite while being moved just days earlier. Detention Officer Jacobson “had a bad feeling” as soon as he responded to the scene and saw Schroeder, because Schroeder was “just one of those guys you . . . look at and you’re just like, it’s better he’s behind the cell.” And Detention Officer Perkins, who had encountered Schroeder with Brothers, described Schroeder as being “very combative and aggressive” ever since his arrival. Nevertheless, despite his earlier troubling encounter with Schroeder about the jail-issued tablets, Detention Officer Percy failed to take prompt action because he just didn’t take Schroeder’s threat seriously.

Schroeder described the killing in gruesome detail to the detectives investigating the case. He told the detectives how Steven was afraid and panicking because he could not breathe, how he ignored Steven’s pleas as he choked Steven to death after first beating him, and how he then stabbed Steven in the eye with a pencil out of frustration and a deeply misguided sense of “mercy.”

Should the County, and its employees who are receiving this notice, fail to resolve this claim, our clients will bring an action against them under Arizona’s wrongful death statute and 42 U.S.C. § 1983. The County is directly liable, both to the Estate for its economic damages and to Steven’s family, for those policies and procedures that contributed to Steven’s death, including its failure to address a risk of inmate-on-inmate violence in connection with its classification system that has been obvious for years. Indeed, this is not the first time one inmate has fatally attacked another in recent years:

- On June 4, 2010, inmate Wietse Ten Boden was beaten to death by his cellmate. The cellmate was Black, and he had expressly told staff that he could not be housed with an “Aryan.” The cellmate was also known to be psychotic.
- On January 18, 2014, in an assault eerily similar to this one, inmate John Klatt was beaten by his cellmate, stabbed in the eyes with pencils, and then strangled with a bed sheet. Mr. Klatt passed away from his injuries. His cellmate was known to have a history of assaultive behavior, paranoia, and delusions, and Mr. Klatt was a sex offender who should have been housed alone for his safety and security.
- On April 2, 2014, inmate Doug Walker was beaten to death by his cellmate, who had brutally murdered his own twelve-year-old brother because he “just felt like killing.”
- On May 26, 2020, inmate Brian Ortiz was beaten to death by a neighboring inmate when staff left a group of high-risk inmates unsupervised.

In addition to direct liability, the County is also vicariously liable for the actions and inactions of its employees.

Our clients’ injuries arising from Steven’s death include the past, present, and future loss of Steven’s love, affection, and companionship. Our clients loved, and were loved by, Steven. And they have experienced a loss that is immeasurable. The loss of Steven’s life has also caused damages to his estate, which incurred medical bills as a result of the County’s acts and omissions. The estate has also been deprived of Steven’s future earnings. If this case proceeds through litigation, they will be entitled to recover punitive damages from the individuals identified above, as well as their attorneys’ fees.



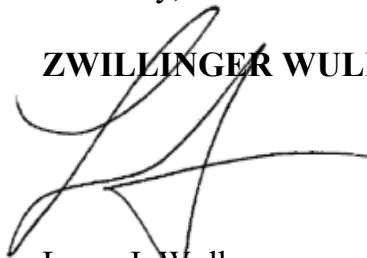
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A.R.S. § 12-821.01 requires a claimant to include in a notice of claim a specific dollar amount for which their claim can be settled. That amount is \$5,000,000, an amount that is eminently reasonable and intended to result in an early resolution to this matter, so that all of the parties may move forward and put this tragedy behind them. If this offer is not accepted, and should our clients choose to make any future settlement offers, their settlement expectations will increase given the additional and substantial attorneys' fees and expenses they will be forced to incur in pursuing this matter further.

Sincerely,

**ZWILLINGER WULKAN PLC**

A handwritten signature in black ink, appearing to read 'Larry J. Wulkan', written over the printed name below.

Larry J. Wulkan  
For the Firm

