


Powered by the largest news staff in Northeastern Oklahoma

Visit tulsaworld.com for coverage of news, business, sports and entertainment.

 [Return to Story](#)

City settles lawsuit over fatal police shooting

by: DAVID HARPER World Staff Writer
Wednesday, July 28, 2010

The city of Tulsa has settled for \$85,000 a lawsuit that was filed after an illegal immigrant who was fleeing from police was fatally shot in April 2007.

Mario Fernando Torres Gomez, 34, who was unarmed, was shot to death by then-Officer Dale White after a foot chase that occurred while police were investigating two armed robberies.

The Tulsa County District Attorney's Office determined that White — who retired this year after 34 years with the Tulsa Police Department — was justified in shooting Torres Gomez.

First Assistant District Attorney Doug Drummond said in 2007 that White “had to make a split-second decision” and that “once you look at all the facts and circumstances, it seems reasonably clear to me that his use of deadly force was justified.”

Reports show that White believed that Torres Gomez was armed and that at the time “there was not a doubt in his mind” that the fleeing man was a robbery suspect, Drummond said.

White told investigators that Torres Gomez had reached into his waistband as if to grab for a gun.

No gun was found.

Torres Gomez's mother, Tulsa resident Francisca Torres, filed the lawsuit in April 2008, claiming that her son was frightened when officers began “aggressively knocking” on his door and he decided to run.

At the time, police were investigating an armed robbery at the Sierra Pointe Apartments, near the U.S. 169 and Interstate 44 interchange, the World reported in 2007. Two robbers had pistol-whipped a maintenance man, tied him up and put him in a shed at the apartment complex, police said at the time.

The other robbery had occurred earlier at the Bradford Creek Apartments, 3139 S. 108th East Ave., police said.

A police dog followed a scent from the shed where the maintenance worker was found to a nearby apartment, Officer Jason Willingham said at the time.

As police were surrounding that apartment, Torres Gomez jumped out a back window and over a fence, Willingham said. With officers in pursuit, he ran under the U.S. 169 overpass, and when he came out on the east side, White pulled up in a vehicle, got out and demanded that he stop, police said.

White told other officers at the scene that Torres Gomez then reached into his waistband, the World reported. In response, White said, he fired one shot, hitting and killing the man.

In explaining why the shooting was justified, Drummond said White was concerned about the safety of another officer in close proximity and was concerned that the man might hijack someone or injure someone in trying to escape.

However, Torres Gomez's mother alleged in the lawsuit that White “unlawfully, unjustifiably and in a malicious manner” shot her son to death “while he was unarmed and defenseless.”

The complaint listed only White as a defendant, but on July 13 the city of Tulsa moved to intervene “for the purpose of settling the action by agreement of the parties.”

U.S. District Judge James Payne approved the motion two days later and on Tuesday gave his approval to the pact after questioning the dead man’s mother through an interpreter about her understanding of its terms.

She said she believes that her share of the settlement after attorneys’ fees and costs are removed will be \$36,500. Her attorney, Oleg Roytman, would not comment after Tuesday’s hearing.

The city and White did not admit in the settlement agreement that they were negligent or violated Torres Gomez’s constitutional rights. Instead, the pact “is solely a recognition of the uncertainty of trial,” the document says.

Officials previously confirmed that Torres Gomez was in this country illegally in 2006, when he was returned to Mexico by Immigration and Customs Enforcement agents.

However, he was back in the United States a few months later and was arrested for vandalism, public intoxication and resisting arrest by fleeing, the World previously reported.

Court records indicate that he had been arrested at least twice for running from police and that he apparently had violated a protective order filed by his brother and sister-in-law. He had commented that if police tried to take him into custody, they would have to shoot him, Scott Wood, White’s attorney, said after the shooting.

A robbery charge was filed against another man in connection with the April 2007 call that brought Torres Gomez into contact with police. However, it was dismissed midtrial when a victim failed to identify the defendant in court.