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Cops Are Immune in Botched Raid

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Two Los Angeles residents who shared a Rancho Palos Verdes home with relatives running a brothel have lost their bid to cash in on illegal search and seizure grounds following a police raid, a federal appeals court ruled Friday.

Kim L. Johnson and Sun Min Lee sued in U.S. district court and won \$80,000 in damages and \$260,000 in attorneys' fees from the sheriff's sergeant who drafted the search warrant authorizing the 2003 raid.

But the 9th U.S. Circuit Court of Appeal took it all away, holding the search warrant was valid and the sergeant immune from the lawsuit.

Los Angeles County Sheriff's Sgt. Angela Walton was an experienced detective who had participated in about 70 massage parlor prostitution investigations. In the summer of 2003, she looked into suspicions that a business called JHJ Educational College sold fraudulent massage certificates for \$2,500 a piece, Friday's opinion recounted.

Walton sent a female decoy to the college in Los Angeles, where the chief executive officer told the decoy she could earn \$20,000 a month working there. The CEO, however, warned her to be on alert for undercover officers and told her that if she detected one while working, she should perform only legitimate massage techniques.

Then the college shuttled the decoy to a business called Oriental Acupressure, where she found scantily clad women leading around men dressed only in towels, according to Friday's opinion. Owner Sun

Hi Lee, to whom the women were seen handing cash, asked the decoy about her sexual experience with men.

Further investigation tied Lee to a black Mercedes Benz registered at an address on Paseo De Castana in Rancho Palos Verdes, and the car was seen in the home's driveway. Walton also viewed lewd descriptions of men's experiences with prostitutes at Oriental Acupressure on a Web site promoting houses of prostitution.

Walton's search warrant application, approved by a magistrate judge, reviewed all available information about the alleged prostitution operation and its owners, who in addition to Lee included another person, Wilford Johnson.

The raid turned up \$2,434,000 in cash in cardboard boxes at the Rancho Palos Verdes address. At Oriental Acupressure, deputies seized \$1,020 in cash and 400 condoms. Interviews with customers and massage technicians revealed the prostitutes' services cost \$100 per encounter.

Lee and Johnson reached a plea deal in which they forfeited the cash to federal tax authorities and served some jail time, according to a lawyer involved in the case.

Also caught in the raid, however, were other residents at the Rancho Palos Verdes home who sued for violation of their Fourth Amendment rights: Kim Johnson, described in the opinion as an aspiring professional golfer who is the adult son of Sun Hi Lee and Wilford Johnson, and Sun Min Lee, described by the circuit panel as a homemaker and

Sun Hi Lee's sister.

Kim Johnson and Sun Min Lee's attorney, Donald G. Norris of Norris & Galanter in Los Angeles, said his clients "had no notion of what was alleged" regarding prostitution.

Their suit resulted in the \$80,000 jury award to Kim Johnson for damages to his golfing career. The panel gave \$100 to Sun Min Lee. U.S. District Judge S. James Otero awarded \$260,000 to their lawyers.

However, Senior Circuit Judge Myron H. Bright of the 8th Circuit, sitting on the 9th Circuit panel by designation, found that while "at the core of the Fourth Amendment is a person's right to be free from unreasonable governmental intrusion at home," search warrants can intrude on that right if they are reasonable. Bright wrote for colleagues Stephen S. Trott and Michael Daly Hawkins.

"He added that a better warrant application would have explicitly stated that in the applicant's investigative experience, owners of prostitution houses often keep evidence including money in their homes.

Qualified immunity shields government officials like Walton from liability from civil damages "insofar as their conduct does not violate clearly established statutory or constitutional rights," Bright wrote, citing language in U.S. Supreme Court case law.

Walton's attorney Thomas C. Hurrell of Los Angeles' Hurrell Cantrall, said the decision serves to help clarify the qualified immunity issue. "It seems that a lot of judges don't really understand it," he said.

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