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AWARD \$85M IN ARREST, DEATH OF MAN

Family of victim sued county over deputies' '15 actions

BY TERI FIGUEROA

A San Diego federal jury returned a \$85 million verdict against the county this week, finding in favor of the family of a man who died after sheriff's deputies restrained him during his 2015 arrest in Santee.

The award is believed to be among the largest civil verdicts against the county.

Lucky Phounsy's family sued the county, alleging several violations including excessive force, negligence and wrongful death. The verdict came Tuesday after nearly a day of deliberations.

"I think this verdict was about accountability," attorney Gerald Singleton, who represented the family, said Wednesday. "They have a lot of very good officers who do this job, but they don't do any kind of a decent job getting rid of the bad apples."

The jury also found against former sheriff's deputy Richard Fischer, who was in the back of the ambulance with Phounsy following a combative arrest. In 2019, Fischer pleaded guilty to battery charges in an unrelated case following accusations brought by 16 women who said he had fondled, hugged or tried to kiss them. The Phounsy jury was made aware of that case.

The jury in the Phounsy case indicated on the verdict form that it found Fischer used excessive force that was a proximate cause of Phounsy's injury or death.

The jury also faulted the county for failing to properly train deputies, and found four people had been negligent. It found no negligence by Phounsy, 32.

The Sheriff's Department issued a statement Wednesday, saying it is aware of the verdict and appreciated the jury's work on the case.

"In the days and weeks to come, the Department will meet with counsel to evaluate the verdict further," the department said. "As always, our ultimate goal is to provide exceptional law enforcement services in San Diego County."

Asked for comment, a county spokesperson issued a statement saying, "We will review the case and decide next steps. Until then, we have no comment on the case."

The verdict form indicates the jury awarded \$5 million for the suffering Phounsy experienced from the arrest until his death, and \$80 million to his family for loss of his love, companion. SEE VERDICT • A8



WALLY SKALIJ LOS ANGELES TIMES

Two Ukrainian soldiers are buried in a cemetery in the town of Starychi, Ukraine, Wednesday after they were killed by a Russian missile strike at a military training center. Ukrainian authorities say at least 40 service members were killed in the Sunday attack.

UKRAINE UNDER ATTACK

UKRAINE STRIKES BACK AT RUSSIAN FORCES

Officials say Russian airstrike hit Mariupol theater where civilians were being sheltered

BY MICHAEL SCHWIRTZ, VALERIE HOPKINS & CARLOTTA GALL

ODESA, Ukraine

Ukrainian forces carried out counteroffensives against Russian positions Wednesday, seeking to inflict what one official called "maximum losses," even as the invading Russian military stepped up its lethal attacks on cities.

In Mariupol, an airstrike destroyed a theater where about 1,000 people had taken shelter, according to city and regional administrators, and photos and videos posted online showed the burning wreckage of the building.

Officials in Mariupol, the besieged southern city that has suffered the most intense bombardment, said they could not yet estimate the number of casualties among civilians, who might have been in a bomb shelter beneath the theater. The strike came as 11,000 residents evacuated the city on Wednesday, according to its city council.

In a video address to Ukrainians early this morning, President Volodymyr Zelenskyy called for more sanctions against Russia

in Ukraine's south, a senior Ukrainian military official said.

Rather than seek to regain lost territory, Ukrainian forces tried to cause as much destruction and death as possible, attacking Russian troops and equipment with tanks, fighter jets and artillery, the official said, speaking on condition of anonymity to discuss sensitive military information.

American intelligence officials said their conservative estimate of Russian troop deaths was at least 7,000, a staggering number that carries implications for both SEE UKRAINE • A7

MORE WEAPONS FLOWING TO UKRAINE TO AID WAR EFFORT

■ A6 • NATO countries focus on sending easy-to-use weapons.

and said it was a "terrorist state."

"Our hearts are broken by what Russia is doing to our people," he said, "to our Mariupol."

After falling back under a relentless pounding over the war's first weeks, Ukrainian troops tried to gain some momentum with counterattacks on Russian positions outside of Kyiv and in the Russian-occupied city of Kherson,

ZELENSKY BRINGS PLEA FOR AID TO CONGRESS



SARAHBETH MANEY THE NEW YORK TIMES

Members of Congress give Ukrainian President Volodymyr Zelenskyy a standing ovation before his address Wednesday.

President urges U.S. to be 'leader of the world,' impose a no-fly zone

BY CATIE EDMONDSON & MICHAEL D. SHEAR

WASHINGTON

President Volodymyr Zelenskyy of Ukraine invoked the memory of America's darkest days Wednesday as he pleaded for more military aid to combat Russia's "inhumane destruction" of his country, directly challenging President Joe Biden and members of Congress to help by showing a wrenching video of the carnage in Ukraine's cities.

Appearing before Congress by video link from Ukraine's capital,

Kyiv, Zelenskyy likened Russia's three-week onslaught to Japan's World War II air assault on Pearl Harbor, when "your sky was black from the planes attacking you," and to Sept. 11, 2001, when "innocent people were attacked from the air." Dressed in an olive green T-shirt and seated next to a Ukrainian flag, he urged the United States and its allies to fulfill a moral duty by imposing a no-fly zone over his country to prevent Russian attacks from the air.

"I call on you to do more," Zelenskyy said, describing the conflict raging in Ukraine as an assault on the world's civilized nations. Speaking directly to Biden, he added: "I wish you to be the leader of the world. Being the leader of the world means to be the leader of peace." SEE ZELENSKY • A6

UCSD, COUNTY MAKE CHANGES AS COVID NUMBERS FALL

Health system adjusts rules; S.D. data reframed

BY PAUL SISSON

With daily new case numbers essentially flat and local COVID-19 hospitalizations continuing to drop, the region's public health department and UC San Diego Health took steps to reframe the coronavirus effort Wednesday.

The university health system sent out an all-hands memo to its clinical and non-clinical staff Wednesday, in-

forming about 18,000 employees of a "new normal" framework for coronavirus operating procedures that will take effect Monday. Meanwhile, the county also published a new, more active, set of pandemic statistics on its website.

The UCSD plan, which thus far only applies to workers and patients in the university's health care system, designates three tiers of coronavirus severity with the amount of virus detected in regular wastewater testing serving as the main trigger for designating the local pandemic to be of low, medium or high prevalence. De-

tecting 1 million or fewer viral copies in a wastewater sample would be considered low, with between 1 million and 2.99 million copies designated medium and 3 million or more, high.

Other factors such as recent case rates and the percentage of recent emergency cases exhibiting flu-like symptoms will also be considered, but Dr. Christopher Longhurst, the university health system's chief medical officer, said that viral load will be the most heavily weighted signal.

That's because the amount of virus detected in waste water has proven to be

such an accurate way of understanding when a surge is arriving or waning.

For the Delta surge last summer, local researchers found that the viral load in wastewater sampled in Point Loma spiked three weeks before local cases did, but still closely tracked the same overall trajectory. Wastewater also provided a warning of the Omicron variant's arrival about one week before local case rates spiked. Cases, Longhurst noted, have some unavoidable bias given that the population does not have equal access to testing. SEE COVID • A10

BUSINESS

FED RAISES INTEREST RATES

■ C1 • The Federal Reserve lifted its key interest rate by a quarter of a percentage point on Wednesday as policymakers took a decisive step toward trying to tame rapid inflation by raising borrowing costs. Six more rate increases are penciled in for this year.

NEWS

NEW STATUS FOR AFGHANS

■ A4 • The U.S. government said it will grant temporary protected status to Afghan nationals living in the country.

LOCAL

DNA SOLVES COLD CASE

■ B1 • Using DNA and genetic genealogy, sheriff's officials identify a suspect in the 1988 killing of a Santee woman.

SPORTS

A LONG, WINDING TRIP

Aztec guard Trey Pulliam playing near where his career started at Navarro junior college. D1



U-T INDEX

Table with 4 columns: Category, Page, Category, Page. Includes Comics (C5), Editorial (B10), Lottery (A4), Stocks (C3), Crossword (C7), Horoscope (C7), Obituaries (B6), Television (A11), Dear Abby (C7), Letters (B10), Sports (D1), Weather (A12).

