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July 5, 2019

State of Arizona
Attorney General Mark Brnovich
2005 N Central Ave
Phoenix, AZ 85004-2926

Re: Carlos Balli

NOTICE OF CLAIM

To Whom It May Concern:

On January 17, 2019, Detective Brad Martin, who was supposed to be in control of a vicious Arizona Department of Public Safety ("DPS") K9 ("Storm"), used Storm to maul Carlos Balli. Storm nearly ripped Mr. Balli's face in half. Martin/Storm had committed a similar attack less than two years before when Martin allowed Storm to maul an unarmed and handcuffed suspect. Storm should have been retired and Martin should have been trained not to use canine force on unarmed suspects. The 2019 attack was captured on video by a DPS helicopter and partially by a City of Tempe body worn camera. **Exhibits 1 & 2**, respectively. The 2017 attack was caught on a bodycam video. **Exhibit 3**

This letter, submitted under A.R.S. § 12-821.01, supports Mr. Balli's sum certain demand for two million dollars (\$2,000,000). The purpose of this letter is to provide the State and the DPS with the factual basis of the claim, and the sum certain for which he is willing to resolve those claims.

FACTS

The Fourth Amendment to the United States Constitution guarantees that citizens shall be free of unreasonable search and seizures. Any force used where none is necessary is an unreasonable seizure. In this case Martin/Storm's past behavior put the Department on notice. This attack is the responsibility of the DPS on a theory of *respondeat superior* and negligence for keeping Storm on the streets and not disciplining or training Martin to not permit the dog to maul suspects.

Martin/Storm's First Known Attack

In the early morning hours of March 11, 2017, Carlos Castro is a wanted man. He is hiding on a neighbor's roof when he was spotted by a police officer who shines a flashlight on him. Castro yells "I'm done" while on the roof and that he doesn't want to fall. He is tased and falls off the roof where approximately 10 officers are there to control him. Once on the ground, he is handcuffed. After being tased, falling off the roof, being subdued and handcuffed, Martin has Storm continue to maul Castro's leg. **Exhibit 1.**



Martin/Storm's Second Known Attack (Attack on Carlos Balli)

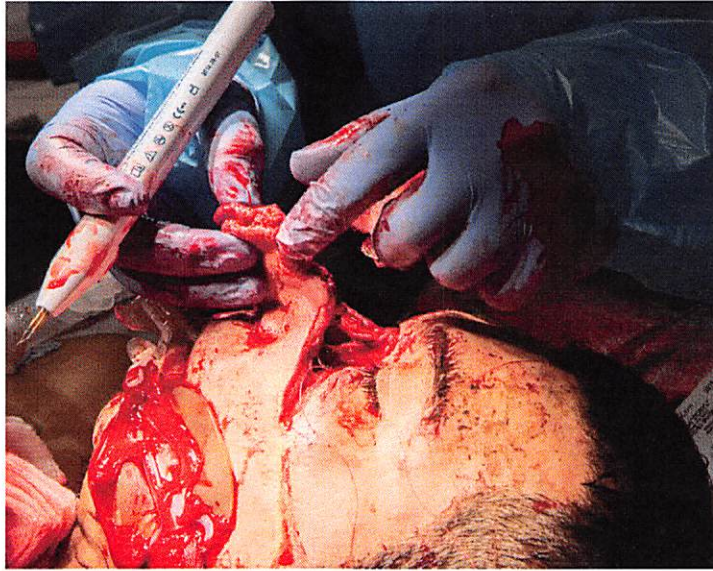
On January 17, 2019, DPS's Gang Immigration Intelligence Team Enforcement Mission "GIITEM" is searching for Carlos Balli who was suspected of car theft and of fleeing an officer. Following a car chase, the passenger identifies him as having run away. Later, a DPS helicopter circles above the area looking for Balli. The DPS helicopter sees the infrared signature of a human in some bushes and gives this person's location to the officers looking for the person who fled. Martin and Storm are with that group.

Once the officers located Mr. Balli, he surrenders. Immediately before the attack, he put both of his hands up, which can be seen on the helicopter video.

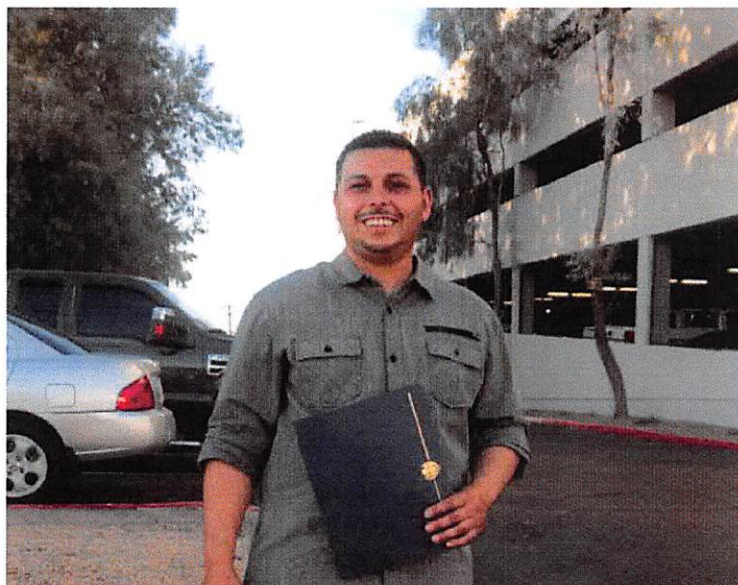


The image to the left has with Carlos's arms circled in red.

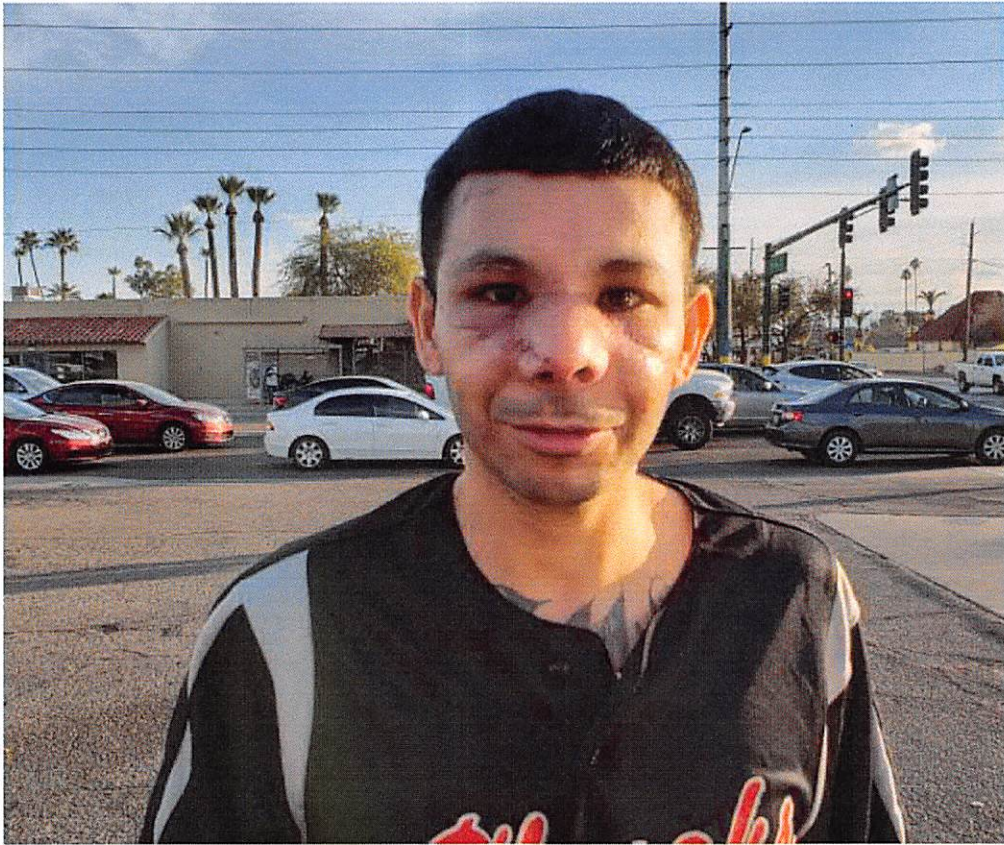
Detective Martin released K9 Storm, permitting him to maul Mr. Balli's face and left arm. Mr. Balli was transported to the hospital with a severe degloving laceration to the anterior face and was bleeding profusely. At the hospital, a trauma team was assembled, and Mr. Balli was immediately taken into surgery. The photo below shows the doctor holding Mr. Balli's nose flesh which has been torn from his face.



Since the mauling, Carlos has sought medical treatment for his physical, mental, and emotional injuries. Carlos continues to have physical pain resulting from the attack. The most lasting effect of the attack, however, is the emotional and psychological harm. Carlos was left with life-altering facial scars.



[Carlos before the mauling]



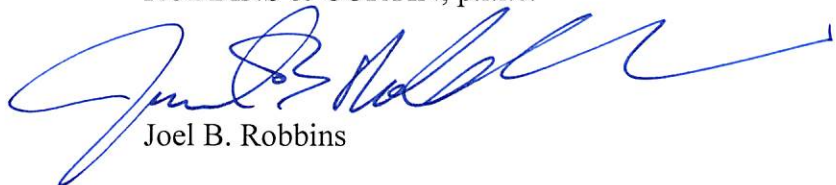
[Carlos following the mauling]

Mr. Balli's injuries have not stabilized and may never stabilize. Nevertheless, he is legally required to present this notice of claim within 180 days of the assault. For the purpose of presenting you with a sum certain demand, we have been given authority to resolve his claims for the sum certain of \$2,000,000. Payment of this amount will resolve all claims that Mr. Balli could bring, including, but not limited to, claims for excessive force, negligence, assault, and battery. The liability to the state is the *respondeat* superior liability of the State and the separate liability for the failure to train, supervise, and discipline Martin as well as the failure to retire Storm.

As required by statute, this offer will remain open for 60 days, at which time it will be deemed rejected.

Very truly yours,

ROBBINS & CURTIN, p.l.l.c.



Joel B. Robbins