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Court returns \$75,000 judgment in arrest at Linc

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by Joseph A. Slobodzian, Inquirer Staff Writer
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A Maryland man who was arrested by Philadelphia police trying to eject several people from Lincoln Financial Field before the 2011 Eagles home opener was awarded \$75,000 in damages Tuesday by a Philadelphia jury.

The 12-member Common Pleas Court jury returned its verdict for Harry Mims, 32, a real estate office manager who was arrested before the start of the Sept. 25 game against the New York Giants.

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Mims' lawyer, Jonathan James, who handled the civil case with partner Michael C. Schwartz, said the jury returned its verdict after about 10 hours of deliberations since Friday. The jury did not impose punitive damages against Officers Mark Alston, Joseph Carter, or Francis Kelly. The lawsuit had sought damages for false arrest, malicious prosecution, and assault.

City Solicitor Shelley Smith said the verdict could be appealed. "We are reviewing the matter to determine potential appeal issues, and we believe some exist," Smith said.

Mims, then living in Silver Spring, Md., but now of Philadelphia, and a friend were walking around the Linc's mezzanine level before the game's start when he was arrested about 12:30 p.m.

He spent the next two days in a police holding cell before being released on bail. At a Municipal Court trial in January 2012, all charges against him were dismissed.

According to James, Mims and his friend were walking when Mims felt a hard bump on his shoulder, complained aloud, and turned to spot Alston leading a handcuffed man to be evicted from the stadium.

James said all three officers were part of a plainclothes detail assigned to mix among fans and try to prevent fights from erupting between fans of the opposing teams.

Police said Mims interfered with Alston and then resisted arrest, and was subdued by Alston and Carter while Kelly watched.