

# \$12,000 Won By Fairwell In Settlement

City Council voted unanimously last night to award a settlement of \$12,000 to Rufus T. Fairwell, a Negro, who had sought \$125,000 in five civil suits against the city and two policemen.

Fairwell, 32, named Patrolmen Louis A. Donofrio and Charles Schafer in his charges of assault, malicious prosecution and negligence.

His case was one of those which led to the creation of the Police Advisory Board.

#### Resulted from Fight

Fairwell's charges resulted from a fight at a Plymouth Avenue South gasoline station Aug. 22, 1962. The policemen testified they thought Fairwell was breaking into the station when they approached him about 11 p.m. Fairwell was employed at the station and was locking up for the night.

Fairwell contended he identified himself but that the policemen refused to listen. In the ensuing scuffle Fairwell suffered two broken vertebrae, a torn back muscle and other injuries to his head, face and arms. Schafer was treated for a bruised nose and Donofrio for bruises on his jaw and right hand and a cut on his right forearm.

#### Cleared by Jury

Fairwell was charged with second degree assault and in turn, charged both policemen with assault. A Monroe County Grand Jury cleared all three in October 1962.

A federal grand jury later indicted both policemen on charges of violating Fairwell's civil rights. Schafer was acquitted by a U.S. District Court jury May 22, 1964, but the jury remained deadlocked on Donofrio. A second trial found him innocent.

Attorneys for Fairwell filed five civil suits, two of which asked \$25,000 each in general and punitive damages, charging Fairwell was assaulted at the service station, at a nearby tavern where he ran for help and at the police station.

Two other suits sought \$25,000 each in punitive damages, charging false arrest and malicious prosecution. The fifth suit asked \$25,000, naming only the city and charged the city was negligent in hiring policemen with alleged tendencies toward brutality.