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False Imprisonment Ruling Upheld; Drug Program Ordered to Pay Virginia Man \$220,000

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A federal appeals court has upheld a \$220,000 verdict against Straight, Inc., a Florida-based drug rehabilitation program charged with holding a Northern Virginia man against his will.

The 4th U.S. Circuit Court of Appeals, in an opinion released yesterday, affirmed an Alexandria jury's finding last year that Straight had falsely imprisoned Fred Collins, Jr., a former **Fairfax** resident, for more than four months.

Collins had alleged he was kept against his will in a Straight facility in St. Petersburg, Fla., as well as in a newer facility in Springfield.

The jury awarded Collins, then 20, \$40,000 in compensatory damages and \$180,000 in punitive damages after an emotional trial in which the program's rehabilitation practices came into question amid both strong support and opposition from former clients and their parents.

"We're disappointed with the decision," said Straight Executive Director Bill Oliver of the appeals court's decision. "The real tragedy is it's costing some money that could be used to help other kids."

Collins, now a student at Virginia Polytechnic Institute and State University in Blacksburg, could not be reached for comment.

Straight attorney Ronald L. Goldfarb said yesterday that he is reviewing the appeals court opinion and has not yet made a decision on whether to continue the appeals process. The basis for another appeal might be that Florida law should have been applied in the case because it originated there.

Straight had appealed on the grounds that U.S. District Court Judge Albert V. Bryan, Jr. had erred by admitting into the trial negative testimony about Straight from other former clients and not granting a change of venue to Florida. Straight also took issue with Bryan's decision not to instruct the jury that false imprisonment must be proven "unreasonable and unwarranted under the circumstances."

But the appeals court rejected those arguments, noting that "although we agree with the trial court's characterization of the verdict as high . . . we must conclude that the verdict is not so excessive that it seems to have been motivated by sympathy and prejudice."

In a dissenting opinion, Judge James R. Miller said laws governing programs like Straight should be decided by the states of operation. He challenged whether Florida law had been properly considered during the trial.

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Officials for Straight earlier this month said the organization has changed its procedures for dealing with clients who wish to leave the program, including a policy to allow those over 18 to leave upon request.

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