

## One-time murder suspect gets \$1.25M settlement

By Denise Nix Staff Writer

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**Herbert Orlando  
Gonzalez**

Herbert Gonzalez won a \$1.25 million settlement.

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A man once suspected in the murder of a Manhattan Beach housekeeper has accepted \$1.25 million to settle his lawsuit accusing two Los Angeles County sheriff's detectives of improper interrogation tactics.

The county Board of Supervisors approved the settlement last month of the federal lawsuit filed by Herbert Gonzalez.

"He's pleased that the case was resolved and that he was compensated for what they did to him," Gonzalez's attorney, John Burton, said in an interview.

Deputy County Counsel Roger Granbo confirmed the settlement, but said it was reached without any admission of wrongdoing.

Although Gonzalez originally sued the county, the Sheriff's Department, Sheriff Lee Baca and a former Manhattan Beach police sergeant, the only defendants that remained in the suit were homicide detectives Kathleen Gallagher and Randy Seymour, who has since retired.

Gallagher and Seymour interviewed Gonzalez in jail on Jan. 6, 2006, the day after he was arrested in the rape and murder of 39-year-old Libia Cabrera.

The Lawndale woman's partially burned body was found April 11, 2005, lying bound and gagged in a pool of blood in a home in the 100 block of 28th Street in Manhattan Beach, where she worked as a housekeeper. She had been set on fire.

Detectives believe Gonzalez is the man with the receding hairline and striped sweat pants depicted in surveillance video taken outside the home in the hours before the smoke alarms alerted the homeowner of trouble.

The man is seen carrying a laptop computer bag, and the homeowner reported that the only thing missing from inside the home was his laptop.

At the time of his arrest, Gonzalez was a 26-year-old aspiring musician who worked in the accounting department of an investment firm.

All of that evaporated with the accusations. While his legal bills piled up, he spent six months in jail for a crime that his criminal attorney vehemently denied he took part in.

During a preliminary hearing for Gonzalez, his criminal attorney began pressing Seymour and Gallagher for details about the interrogation that led to Gonzalez's eventual confession.

While he was interviewed for two hours, only the last half of the conversation was recorded. Gonzalez claimed he was ill and said whatever he needed to say just to end the ordeal.

But Torrance Superior Court Judge Cary Nishimoto said the confession couldn't be used against Gonzalez.

He cited concerns about what was said before the tape recorder was turned on and found it wasn't clear whether Gonzalez was fully advised of his constitutional rights to such things as a lawyer or to remain silent.

After Nishimoto ruled the interview was inadmissible, prosecutors dropped the case against Gonzalez. He sued on March 29, 2007.

Meanwhile, a cold-hit on DNA evidence in 2007 led investigators to Milton Gallardo, a 27-year-old prison inmate who is now charged with Cabrera's murder and rape.

However, at Gallardo's preliminary hearing in July, it seemed that Gallagher still had not given up her belief that Gonzalez is the man in the video.

While Deputy District Attorney Jodi Link argued at the time that it was irrelevant who was in the video since Gallardo's DNA was found on Cabrera, Gallardo's attorney disagreed - suggesting that Gonzalez will remain a topic as the case proceeds to trial.

"They can't admit their mistake and, unfortunately, that could interfere with bringing Libia Cabrera's killer to justice," said Burton, who believes the Sheriff's Department and District Attorney's Office should have recused themselves from the case.

At the time of the settlement, Gallagher and Seymour were appealing a ruling against them by U.S. District Court Judge Florence-Marie Cooper.

Cooper, who sits in the Central District of California, had found that the two detectives were not immune from liability under the edict that their actions were part of the job and supported by their investigation.

While their tactics cost the county a seven-figure settlement and might have jeopardized a murder case, it did lead to reform within the Sheriff's Department.

Michael Gennaco, chief attorney for the county Office of Independent Review, said additional training is now provided about the laws and

rights of suspects.

In addition, the department's policy regarding recording of interviews was reviewed, but generally left unchanged, according to Gennaco.

Use of tape recorders during questioning is discretionary, he said. However, if detectives elect to use one, they are instructed to begin recording as soon as the conversation begins, Gennaco said.

"For us, what was important in this case was that the department made a learning tool out of this," Gennaco said. "And we think they did."

[denise.nix@dailybreeze.com](mailto:denise.nix@dailybreeze.com)