

Lawsuit alleges Orange County responsible for death in its jail

By Sharon Brooks
Staff Writer

Family members of a man who died while in custody at the Orange County Correctional Facility filed a lawsuit against the county Oct. 9 alleging employees at the jail neglected to provide proper care for 41-year-old Robert Montano, “ultimately resulting in his death.”

Montano was initially arrested for public intoxication Oct. 7, 2011, and held in the infirmary unit at the Orange County Correctional Facility, deputies reported. Reports from OCSO indicated the man was under the influence of “bath salts.” Oct. 12, 2011, deputies discovered Montano unresponsive in his unit. The Orange Fire Department and Acadian Ambulance responded and attempted to resuscitate Montano but were unsuccessful, deputies reported. Orange County Justice of the Peace Derry Dunn pronounced Montano deceased and ordered an autopsy at the Jefferson County Morgue.

Texas Ranger Bobby Smith investigated the death and found there was no criminal negligence, according to Texas Rangers spokesperson DPS Trooper Stephanie Davis.

However, according to a press release from Bernsen Law Firm attorney Ryan MacLeod announcing the lawsuit filed on behalf of Montano’s family, “a toxicology report revealed that Mr. Montano had no illegal drugs in his system at all.” The lawsuit alleges that Orange County personnel confined Montano to an observation cell known as “the bubble” for medical observation and that a medical doctor did not see him for the entire 105 hours he was there. MacLeod accuses county employees of covering “the bubble” with paper in order to



Robert Montano

“avoid observation” and left Montano “starving and dehydrated, crawling around on his hands and knees.” MacLeod further asserts that the toxicology report indicated that he was going through “ketoacidosis, a metabolic state common in people who undergo fasting, often times accompanied by dehydration.”

“We had our own forensic pathologist to look at this and found that he (Montano) actually had a breakdown of his kidneys,” MacLeod explained in an interview. “He never had food or water, that we know from reading their own notes.”

He said medical examiner Tommy Brown failed to properly diagnose the cause of Montano’s death “even armed with this toxicology report.” He also indicated that Montano, who MacLeod said was prescribed anti-psychotics and anti-depressants, was known by law enforcement to have a history of mental illness based on previous incidents, and he was arrested Oct. 7, 2011, after proclaiming that someone was trying to shoot him while in his own front yard.

The Orange County Sheriff’s Office declined comment, but a source within the office said the allegations are “absolutely not true.”

Sharon Brooks can be reached at (409) 832-1400, ext. 241, or by e-mail at sharon@theexaminer.com.