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Man sues Victoria sheriff's office over broken pacemaker

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Gheni Platenburg • Originally published June 5, 2012 at 5:06 p.m., updated July 3, 2012 at 2:20 p.m.

A Crossroads man is suing the Victoria County Sheriff's Office over claims that deputies broke his pacemaker, causing him to be rushed to a hospital.

Brad David Vorpahl filed the lawsuit in district court in April.

Originally, the South Texas Coastal Sheriff's Alliance was named as a second defendant in the lawsuit, but that part of the case was dismissed.

"It's a pretty open and shut case. A pretty simple case," said Richard Plezia, Vorpahl's Houston-based attorney. "If someone indicated they have a medical condition that could cause further harm if they comply with procedure, they should probably do something different."

Victoria County Sheriff T. Michael O'Connor declined to comment about the pending litigation, and the Victoria County Sheriff's Office attorney, Casey Cullen, could not be reached.

Cullen did, however, file a formal response in April, denying all the allegations made against the sheriff's office.

In September 2010, Vorpahl, while being escorted by sheriff's deputies, attempted to pass through security at the Victoria County Courthouse.

Plexia said his client was there for a family law matter, which was later dismissed.

When Vorpahl approached the security area, he showed the sheriff's office employee on duty his Medtronic Card indicating he had a pacemaker, according to the lawsuit.

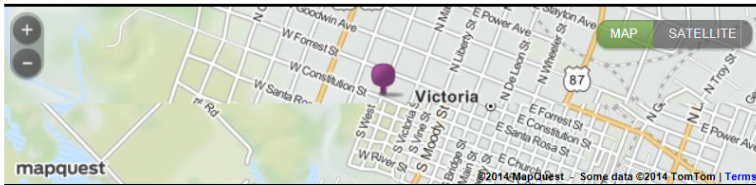
The lawsuit contends that because Vorpahl's pacemaker caused the metal detector to sound an alert, the employee on duty used a wand to screen him, causing his pacemaker to stop functioning.

Vorpahl was rushed by ambulance to the hospital.

He had to have surgery to repair the pacemaker, Plezia said.

"Instead of subjecting him to that type of harm, it would have been so easy to pull him aside, pat him down and make sure he didn't have a weapon on his person," said Plezia.

Vorpahl is suing for physical pain, medical expenses, mental anguish and lost wages.



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