

Family awarded \$400K after son killed by cop

Man shot 5 times after speeding off with officer in car

By **Seth Augenstein**
STAR-LEDGER STAFF

The family of a 21-year-old man who was shot to death by a Denville police officer in 2008 has settled a federal lawsuit with the township for \$400,000, according to an agreement made public by an open-government group.

Ruben Martinez Jr. was shot five times by a Denville police officer after a routine traffic stop spun out of control. The police officer, Richard Byrne, was trapped in the passenger seat of Martinez's speeding car before he fired the shots and the car crashed into a backyard pool.

Both sides refused to comment as part of the terms of the settlement, which was signed June 10. The family's

attorney, Shelley Stengler, confirmed the agreement.

"The \$400,000 is not going to bring Ruben Martinez back," said a Martinez family friend, Tucker Kelley. "There were no winners here, and the money isn't a victory, but it does bring some closure."

Kelley said he also sympathizes with the police officers, whose lives were shattered by the events.

As part of the civil settlement, Denville asserted that the officers had done nothing wrong, while the estate agreed not to pursue any further claims.

Byrne and his partner, Daniel Fernandez, were cleared by a grand jury five years ago in the death.

On June 26, 2008, Byrne tried to stop Martinez, who was driving 57 mph on Franklin Road in a 25 mph zone. Video from the patrol car,

SEE **SETTLE**, PAGE 21

Settle

CONTINUED FROM PAGE 13

which was made public shortly after the death, showed Martinez's car accelerating around short streets, ending up back on Franklin Road, where it spun almost 180 degrees and stalled, partially on the sidewalk.

Byrne approached with his weapon drawn, ordering Martinez to get out of the car. The officer then holstered his weapon

before entering the car and kneeling on the passenger seat to prevent Martinez from taking off in the car again.

Martinez pulled away with Byrne stuck in the passenger's seat as the door swung shut, and the car accelerated to 89 mph.

Byrne fired five shots, one of which hit Martinez's heart and killed him, authorities said at the time.

Martinez, a 2005 graduate of Morris Knolls High School, had a blood-alcohol content of 0.16, which is twice the legal

limit of 0.08.

He was working as a mechanic in Texas but had returned to New Jersey for his brother's high school graduation when he was killed.

Byrne never rejoined the force. He retired in 2010 with a \$66,346 annual pension, according to the state Department of the Treasury.

Seth Augenstein:
(973) 392-4028 or
saugenstein@starledger.com