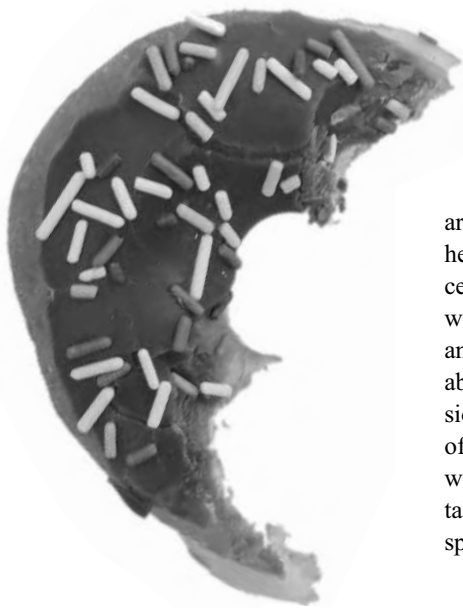




The documents 'if available to the public, would likely cause annoyance or embarrassment,' the city attorney wrote.

arrested because she feared he would kill her. One threat was accompanied by "officer Magaña drawing his loaded service weapon, placing it on the [woman's] chest and threatening to kill her if she spoke about the sexual abuse. On one other occasion, these threats were accompanied by officer Magaña drawing his loaded service weapon, placing it on the [woman's] genitals and again threatening to kill her if she spoke about the sexual abuse."

Coffin wrote the death threats "plainly

deterred" the woman from meeting the legal filing deadline for her lawsuit. He quoted another legal case as precedent, "to say to one who has been wronged, 'You had a remedy, but because the wrongdoer deterred you from pursuing that remedy under pain of death, the law stripped you of your remedy,' makes a mockery of the law."

Coffin noted that Magaña "was a police officer, a member of the very department which would be called upon to protect

plaintiff against his threats if notice were filed."

Many of the women in the other cases make similar arguments that they couldn't meet lawsuit notice deadlines because they feared Magaña, although the judge has not yet ruled on the issue in those cases.

Other technicalities the city has argued include that it is legally immune from prosecution, subject to damage limits, that the women improperly filed their lawsuits using only initials and that Magaña himself was primarily responsible for any damage.

The city has also argued in some of the cases that the victims themselves were partially to blame for the sex abuse.

"Plaintiff's alleged injuries and damages were caused at least in part by her own negligence," the city argued in one case, alleging that she agreed to meet with Magaña, allowed him in her home and failed to report his misconduct.

Another victim's sex abuse was due "at least in part by her own negligence," the city argued, alleging that she continued to go on patrol car rides with the officer, let him into her apartment and failed to report his misconduct to EPD.

In another case, the city argues that at least one of the incidents of alleged sexual abuse was consensual sex.

But one victim says what Magaña and the city did to her was far from consensual. The EPD officer used threats of arrest and shooting her with his police gun to force oral sex and groping at least 17 times, she alleged in her lawsuit. The woman noted that all she got when she complained to police was Magaña putting a gun to her genitals and threatening to "blow her insides out."

"Why the hell didn't they listen to me?" she said at Magaña's trial. "It's absolutely horrendous."

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