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## Wrongly accused in theft, worker awarded millions

**By Elizabeth Fitzsimons**

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Six years ago, when a manager of the auto parts chain AutoZone extracted a confession from an employee accused of stealing, he did everything by the book.

He held the employee in a back office, showed him evidence props and threatened to have him fired and arrested unless he confessed. The confession, he promised, would allow the employee to keep his job and pay the company back, and the matter would be kept quiet – procedures outlined in a 200-page handbook for managers.

The employee, Joaquin Robles, insisted he was innocent for nearly three hours. But then he accepted the company's terms and confessed, fearing he would go to jail and be unable to support his two young children.

“I thought it was a small price to pay for keeping my family out of harm,” Robles said yesterday.

Robles was suspended, and when he returned to work a few days later, he was promptly fired. The money that Robles was accused of stealing was taken out of his last paycheck.

Robles sued, and began a journey through the courts that culminated on Thursday when a jury awarded him \$7.5 million in punitive damages. The jurors were read excerpts from the current manual used by AutoZone's loss prevention managers and heard testimony from other employees who said they were similarly coerced.

A corporate spokesman said AutoZone plans to appeal, but would not discuss the case.



LAURA EMBRY / Union-Tribune

Joaquin Robles, a former AutoZone employee, was awarded \$7.5 million in punitive damages by a jury last week.

“We just don't talk about what we do outside of the courtroom,” said spokesman Ray Pohlman.

If the case is appealed, it would be the second time.

Robles' case first went to trial in October 2002. The jury found that AutoZone manager Octavio Jara acted with malice, oppression and despicable conduct when he falsely imprisoned Robles, and Robles was awarded \$73,150 in compensatory damages. Robles' attorney stipulated that, in addition to the verdict, that Jara would be responsible for paying \$5,000 in punitive damages.

The court ruled that Robles' attorney didn't prove that AutoZone authorized Jara's conduct, and couldn't seek punitive damages.

Each side appealed and the appellate court reversed the decision over seeking punitive damages from the company and sent back the case for retrial.

The second trial began March 27.

Robles' attorney, Sean Simpson, said the manual was crucial to the case.

“The whole manual is about intimidation, the setting, dominance and control and not giving up until they give in,” Simpson said.

For example, the manual says “the interview setting can psychologically aid an investigator.

“Props such as bulging files, snapshots and videos add credibility to an interview and should be placed in plain view.”

The manual also suggests holding a handshake for three seconds after an employee lets go and maintaining eye contact with the “AutoZoner,” the company's name for an employee. Another page reminds interrogators of their main interviewing tactic: RPM, which stands for “rationalize why, project blame and minimize the offense.”

The Memphis, Tenn.-based company has 3,592 stores nationwide – 413 in California – and is the country's leading auto parts chain with annual sales of \$5.7 billion, according to its annual report.

Robles had been working for AutoZone for nearly a year when he was accused of stealing. The year before, Robles was critically injured in a car crash on state Route 111 in the Imperial Valley.

He spent six days in a coma, and six months in a wheelchair. In July 1999, finally back on his feet, he was hired by the AutoZone store on University Avenue and 39th Street in City Heights.

Soon, he was transferred to the National City store, where he worked as sales manager and earned a reputation as the guy who would make the sale, then offer to install the part in the customer's car.

“That was my second chance in life,” Robles said. “I was happy. I was going up. I wanted to stay there, I wanted to make a career of it.”

On July 6, 2000, Robles was asked to report to the manager's office. The bank reported that \$820 was missing from a deposit, and that Robles had signed the deposit slip.

Robles thought he was being asked to help find the thief. He didn't realize he was the suspect until AutoZone's regional loss prevention manager ordered him to confess.

Jara, the manager, had a black bag on the floor from which he pulled a video camera and a couple of VHS tapes, Robles said. It was evidence against Robles, Jara said. When Robles asked to watch the tapes, Jara refused. And he wouldn't let Robles leave the room, Robles said.

Jara, who is still employed by AutoZone, told Robles he would have him arrested and that he'd spend two or three years in jail. If Robles confessed, however, he would keep his job and be allowed to pay back the money from his paychecks.

Robles said he was held in the manager's office for two hours and 40 minutes, and, figuring he had no other option, he confessed.

“It makes me feel so naive, so stupid,” Robles said. “I really hope that nobody goes through what I went through.”

Simpson said he never found out how the money was lost, but that the store manager said she received a voice mail message from the bank two weeks after Robles confessed telling her the same amount of money had been found.

Robles, 31, of North Park, who now works as a supervisor of grounds operation for the San Diego Unified School District, doesn't allow himself to think of what he would do with the jury award.

“Unless I have it in my hands, I don't want to make plans,” Robles said. “I only wanted my last paycheck.”

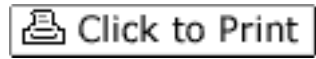
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