

Couple ordered to pay man \$1.5 million for rape setup

By Brad Dicken

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ELYRIA — A county judge has ordered a former Sheffield Township couple to pay a Cleveland man more than \$1.5 million for trying to frame him on attempted rape and abduction charges. The couple, James and Gabrielle Bracken, who have since divorced, still face criminal charges for the attempted setup at their home last September. Both have entered not guilty pleas to those charges.

Joseph Melendez, who spent a night in jail before he was freed on bond, said he sued as a lesson to those who file false charges against someone. The charges against Melendez were dismissed less than a week after they were filed following additional investigation.

“The whole point is not to gain money, it’s to push it and say you can’t do this without consequences,” Melendez said.

He said he plans to take steps to get the money from the Brackens, including trying to garnish their wages.

But Mike Camera, James Bracken’s criminal defense attorney, said he doesn’t believe his client has any money to take. He also said that James Bracken is serving time at a community-based correctional facility in Geauga County on unrelated criminal charges.

James Bracken, Camera said, is currently undergoing evaluation to determine whether he’s competent to stand trial.

Frank Janik, Gabrielle Bracken’s lawyer, said he was unaware of the civil judgment against his client, but he only represents her in the criminal case. He said his client, who suffered brain damage after she fell out of a car on Interstate 90 in the months after the incident, has been found competent to stand trial but is close to resolving the criminal charges she faces.

The Brackens didn’t mount a defense against Melendez’s lawsuit and Lorain County Common Pleas Judge Christopher Rothgery ruled against them during a hearing Monday. He ordered them to pay \$36,866 in expenses to Melendez, \$500,000 for pain and suffering and mental anguish and \$1 million in punitive damages.

Melendez said the Brackens were planning to kill him when he went to their house on Sept. 23, 2010.

“I really thought he would try to beat me to death,” Melendez said.

Melendez said that Gabrielle Bracken was having an affair and tried to pin it on him when her husband found out, even though he wasn’t having a relationship with her.

“I was an expendable name picked out of a hat basically,” Melendez said.

According to court documents, once Melendez arrived at the house, the Brackens asked him to pick up a knife so that his fingerprints would be on it. Once he was inside the house, Melendez said he was attacked by James Bracken but managed to flee and call 911 from a neighbor’s house.

Before Lorain County Sheriff’s deputies arrived, he said the Brackens did \$2,000 worth of damage to his car. They also told deputies that Melendez had threatened Gabrielle Bracken with a knife and tried to sexually assault her.

Larry Zuckerman, Melendez’s lawyer, said that a friend of Gabrielle Bracken was at the house at the time and later told authorities what really happened.

Melendez said the Brackens’ efforts failed in part because they put their efforts to frame him together on the fly instead of doing any real planning. They had to move fast, he said, once he escaped and called for police.

He described being wrongly charged with a crime as “traumatic.”

In recent years, the Brackens have amassed run-ins with law enforcement across northern Ohio, including charges for a disturbance at Hillcrest Hospital in Mayfield Heights that led to a scuffle with police and an incident at their Fleming Avenue home that led to the Lorain County Bomb Squad being called in to examine what appeared to be dynamite on a timer.

Although the device wasn’t a bomb and no charges were filed, James Bracken resigned from the Sheffield Township Fire Department because of personal problems following that incident.

Contact Brad Dicken at 329-7147 or bdicken@chroniclet.com.

<http://www.chroniclet.com/news/2011/10/19/Couple-ordered-to-pay-man-1-5-million-for-rape-setup.html>