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Rights commission asked to rule in FWCS case of mistaken identity

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In cooperation with
El Mexicano newspaper*

“We just want our lives back,” said Fort Wayne native Rose Luera.

Her husband, José Luera, had his name placed on the national sex crime alert by mistake. Despite apologies and assurances from authorities that the mistake had been rectified, the Lueras say their lives have been a living hell.

For example, the Lueras have two daughters who attend Indian Village Elementary School. That case of mistaken identity resulted in the school’s principal banning José Luera from visiting his daughters at the school and what the family says was constant harassment of the parents and duress on their children.

In a May 2007 letter to José Luera, Indian Village Elementary School Principal Stephany Bourne wrote:

“We do not allow persons with sex offense convictions access to children within our schools. We recently received information that you have a conviction or convictions of that type in your background.”

“We immediately contacted our attorney,” said Rose Luera.

José Luera explained that years ago in Florida, he lost his wallet. In March 1999, Luera was stopped by police in Fort Wayne for an alleged drug violation. At the time, there was an outstanding warrant for the arrest of José R. Leura in Florida.

This person had the same Social Security number as José R. Luera in Fort Wayne and the same last name except for two middle letters switched around. The Allen County Sheriff’s Department did a fingerprint analysis and concluded that Fort Wayne’s Jose’ Luera was not the person with the Florida warrant.

Luera explained his theory that the Florida Leura found or stole his lost wallet, took his Social Security number, his name, and changed the description to fit him. According to police records, the real sex offender used Caucasian as his race, as well as his own height and weight, and obtained a false Florida driver’s license.

Frost obtained a 2002 police flyer of the real sex offender. It shows 13 aliases and a photo that does not at all resemble José Luera.

The Sheriff’s Department advised Luera to keep the fingerprint clearance letter in his possession at all times in case the identity theft problem comes up again. Rose Luera now claims there have been several such problems—all involving the Fort Wayne Community Schools.

The Lueras said they did not directly contact the school or Fort Wayne Community Schools administration after the principal’s letter and went through legal counsel “because he cleared this up the last time and had the fingerprint clearance [exonerating Luera] from the sheriff’s department.”

One week after receiving the letter from Indian Village Elementary School banning José Luera from the school, the couple’s then attorney Nikos Nakos wrote to Bourne stating:

“We immediately request that [you rescind] your correspondence of May 11, 2007, and write a letter of apology to the Lueras... and have this matter cleared up before the end of the school year.”

According to Nakos, three weeks later, Bourne wrote back to him—instead of the Lueras—saying, “Unfortunately, an error occurred with regard to the background of Mr. Luera.... I regret this error and apologize for my actions and its result.”

Despite the request from their attorney, they said neither the school nor FWCS administrators sent a letter of apology to the Lueras. Nakos said the principal’s letter was addressed to him, with a copy sent to José Luera.

Furthermore, Luera contends the school continued to treat him and his family as if the initial ban was no mistake. While police officials verified that someone else—not José Luera—was a sex offender, he said the school erroneously made a different decision.

“I was convicted of being one (sex offender) by the school,” explained Luera.

On June 2, the Lueras, who are Hispanic, filed a complaint with the Indiana Civil Rights Commission contending discrimination based on national origin. They claim they are not treated the same as other families with regard to parent-teacher meetings, school activities, arrangements for the children’s transportation, and more.

The complaint contends discrimination by Indian Village Elementary School and the Fort Wayne Community School System (FWCS) against the parents and their daughters during this past school year.

In an interview with Frost Illustrated at the offices of El Mexicano newspaper, Luera said, “They convicted me and criminalized me; and they showed it against my wife and daughters.”

The family’s formal complaint contends that despite the apology, discriminatory treatment by the school occurred against his entire family during the 2007-08 school year—months after the school’s apology.

Luera described some instances. One was a request to meet with the school’s evaluator of special needs children to discuss his special needs daughter. Luera said that the principal refused his request.

“I’ve been bullied by the principal, and even prohibited from picking up my special needs daughter,” he said.

Rose Luera recounted picking up her children and added, “The principal would make us stay out and arrange for an escort.”

The Lueras described these specific charges. The formal complaint includes most of them.

- Being told by the principal that the parents need to “make arrangements” to visit their children’s teachers while other parents did not;
- Being “escorted” in and out of the school when visiting teachers or picking up the children who were waiting inside;
- Not being allowed to have lunch on Fridays with their children in the school cafeteria, despite doing so in the past and others doing so;
- Not taking appropriate steps when the daughters told their teachers and the principal they were “scared” at school because their fellow students were saying “bad things about my dad being a sex offender;”
- Not offering counseling to the children, sensitivity training for the teachers and damage control efforts for staff, teachers and students.

The remedies sought in the complaint are:

- “Justification” from FWCS on why the ban was imposed;
- Payment for family medical bills incurred for health issues relating to the alleged mistreatment, and
- A formal statement that the family will be treated the same as all other families.

In a prepared statement, FWCS said:

“The incident at Indian Village occurred after Fort Wayne Community Schools received credible information that Jose Luera shares the same name and Social Security number as a registered sex offender. He was not banned from the school, but was given strict guidelines that he must follow to visit his daughters at the school. The restrictions were required out of the safety and best interest of all the students in the building. When it came to the school’s attention that Luera was not the sex offender, despite having much of the same identifiable information, he was issued a letter of apology and invited back to the school. Fort Wayne Community Schools regrets any distress this may have caused the Luera family, but stands by its decision based on the information officials had and the requirement of keeping all students safe.”

Indiana Civil Rights Commission officials say it could take several months to issue its ruling on the Lueras’ formal complaint. But, José and Rose Luera want their case resolved before school starts again in the fall.

The Lueras say they hope and pray that decency will prevail.


“All we ask is to be treated fairly,” said Rose Luera.

“We’ve done nothing wrong. We’re the victims here,” concluded José Luera.

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