

# LR police killing in 2016 draws family's lawsuit

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A family member of a man fatally shot by Little Rock police last year filed a federal civil-rights lawsuit against the department Thursday.

The suit accuses officer Dennis Hutchins of using excessive force in the killing of Roy Lee Richards Jr., 46, on the morning of Oct. 25. Hutchins and officer Juston Tyer encountered Richards at 12:47 a.m. after responding to a report of two men fighting outside a house at 514 E. Eighth St., according to police. The department said Richards got a rifle from a nearby vehicle after police arrived.

Richards reportedly began chasing the other man and pointing the rifle at the man's back. That's when Hutchins, armed with a .223-caliber Bushmaster rifle, shot and killed Richards, according to police.

The rifle Richards was carrying was later found to be an air rifle.

Little Rock police investigated the killing and provided its findings to prosecutors, who cleared Hutchins of any legal wrongdoing in the case. Hutchins has since returned to duty.

Richards' sister, Vanessa Cole, filed the civil-rights lawsuit Thursday. Police Chief Kenton Buckner and the city are listed as defendants along with Hutchins.

In addition to excessive force, the suit accuses Hutchins of misleading investigators about the circumstances of the killing and violating numerous department regulations in his handling of the encounter.

One of those violations, the suit says, occurred when

that early morning by officers who never gave him a warning, who shouldn't have been using an assault rifle," said Chicago attorney Mike Laux who, along with Little Rock law firm Dodds, Kidd, Ryan and Rowan, is representing Cole.

Laux announced the lawsuit at a news conference Thursday morning. Cole was in attendance, as were Richards' two sons.

"My brother was shot in the head, but it blew the family's brains out," Cole said.

It was a family member with whom Richards was fighting on the night police were called to the house on East Eighth Street.

Richards' uncle, Derrell Underwood, called 911 and said Richards was in his yard and drunk, according to recordings released under the Arkansas Freedom of Information Act. Underwood said he wanted Richards to leave.

"Now don't hurt him, I just want him out of my yard and away from my house," he told the 911 dispatcher.

One of Underwood's neighbors also called 911. He said a man in a vehicle had driven into the middle of his neighbor's yard and was honking his horn and yelling.

"He's making a lot of noise," the man said.

The caller said that when he asked the man to stop honking the horn, the man started threatening him.

"I don't think he's violent, he's just being verbally violent," the caller said.

Another neighbor called 911 and said Richards was armed.

"There's a man with a gun, he's pulled it out, he's gonna shoot my neighbor," the caller said.

Hutchins told investigators that he shot Richards because Richards was pointing a gun

wake a relative when "shots rang out."

"When Roy got shot," Underwood says in the video, "I was in the house."

An Eighth Street resident who the lawsuit says witnessed the shooting also said Underwood had gone inside and closed the door before the shooting occurred, according to the lawsuit.

The lawsuit states that the air rifle Richards was carrying was pointed at the ground when Hutchins opened fire and that Richards did not pose "an objectively reasonable threat of imminent death or serious physical injury," circumstances required for officers to use deadly force.

Police spokesman Lt. Steve McClanahan said the department does not comment on pending litigation.

City Attorney Tom Carpenter, after a brief review of the lawsuit Thursday, sent a message to Mayor Mark Stodola and the city's Board of Directors informing them of the litigation.

Carpenter wrote that Laux filed the suit "perhaps because the rifle that Mr. Richards was brandishing turned out to be a nonlethal weapon." But he wrote that the gun's lethality had "nothing to do with the reasonableness of the [officer's] perspective" and that the lawsuit applies "20/20 hindsight to a situation under vastly different circumstances."

Laux, who has represented the families of other people killed by Little Rock police, said Thursday that Cole filed suit because the police investigation of her brother's killings was "slanted, biased, fixed, not legitimate."

Cole is seeking compensatory and punitive damages.

Information for this article was contributed by Ryan Terrell of

IMMINENT  
THREATS



# Settlement reached in police Taser case

Monticello on hook for 10% of \$500,000 payout to man who sued over injury

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A 6-year-old federal lawsuit accusing an officer with the Monticello Police Department of shooting a man with a Taser, causing him to fall and hit his head, and resulting in a brain injury, was dismissed Friday after the city settled the case for \$500,000.

Little Rock attorney Austin Porter Jr., who filed the lawsuit in 2013 on behalf of Sheldon Thompson, then 55, said the judgment will be paid mostly by the Arkansas Municipal League, which defended the Drew County city, but that the city will have to pay 10% of the settlement.

The settlement was reached Tuesday during a conference before U.S. Magistrate Judge Joe Volpe, leading U.S. District Judge Kristine Baker to dismiss the case on Friday.

According to court documents, Thompson was walking with two other people on Cooper Street — “a notoriously narrow road that has no sidewalks and is sided by deep ditches” — about 1 a.m. on Dec 12, 2010, when he was confronted by of-

ficer Ray Singleton, who is no longer with the department.

At the time, Thompson was only about 20 feet away from his home — his destination. The officer asked the three to stop. Thompson's companions — his teenage nephew and a friend of Thompson's — did as instructed, but Thompson continued walking.

Singleton got out of his cruiser and ordered the other two men to place their hands on the patrol vehicle, though Porter said he had no legal basis to do so because he “had no reasonable suspicion to believe” that the men had committed a crime or were about to do so. Another court document indicated that the officer believed Thompson had committed a minor, nonviolent crime.

Thompson, who was admittedly drunk and “disagreeable,” refused Singleton's commands to walk back to the cruiser, at which point, the officer shot him with a Taser, causing him to fall and strike his head on the pavement, according to court documents.

The fall knocked Thompson unconscious and resulted in se-

vere brain trauma, according to the lawsuit. It said Thompson was taken by ambulance to a Monticello hospital, but after being released and then suffering a brain seizure and falling into a coma, he was transported to a Little Rock hospital, where he underwent emergency brain surgery.

Thompson was later transferred to a nursing home for recuperative care and continues to suffer from seizures as a result of the Taser incident, the lawsuit alleged. It noted that he had never had a seizure before the Taser incident.

Although police charged Thompson with disorderly conduct, public intoxication and resisting arrest, the charges were eventually dropped.

The lawsuit alleged that Thompson's constitutional rights were violated when excessive force was used on him, noting that the neighborhood where the Taser incident occurred was regularly patrolled by Monticello police, who liked to “harass many of the African-American members living in that community.”

Although Baker had dis-

missed some of the original claims in the lawsuit, the case was headed to a jury trial beginning Monday on whether the officer's use of the Taser was objectively reasonable under the circumstances. Remaining defendants were Singleton in his official and individual capacities, former Police Chief Eddy Deaton in his official capacity, and the city of Monticello.

The case was delayed when, in October 2016, Singleton appealed Baker's refusal to dismiss the claims against him on the basis that he was protected from liability by qualified immunity. In July, the 8th U.S. Circuit Court of Appeals in St. Louis affirmed Baker's ruling.

Neither Amanda LaFever, an attorney who represented the defendants for the Municipal League, nor the city's new police chief, Jason Akers, returned a reporter's calls about the case on Friday.

The Monticello newspaper, the *Advance Monticellonian*, reported in late February that Akers would be replacing Deaton, who planned to retire at the end of March.

# ***THE USE OF A TASER***

**Taser, a weapon that has the potential to cause death or serious bodily harm, but significantly reduced from a firearm:**

- **shocks to a person's chest can result in cardia arrest and sudden death, can cause brain injuries, seizures, loss of consciousness.**
- **More likely to be reasonable if there is a serious or violent crime at hand.**
- **The threat a person poses is the most important factor in determining if a taser is appropriate, i.e "is there an immediate safety risk"**

# ***THE USE OF A TASER***

- **2014, Defendant was unarmed, fleeing, climbing a fence, shocked, fell head first onto a concrete floor, suffered permanent brain damage, collected \$2.25 million.**
- **2019, Defendant, acting strangely at a pharmacy, fleeing from police who tackled him, was shocked several times, suffered severe brain damage, collected \$5.2 million.**
- **2020, domestic dispute, lifted her skirt to show she was disarmed, shocked, was 12 weeks pregnant, lost the child.**