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NEWS BRIEFS

Judge rules police used excessive force in '99 case

PORTLAND—A federal judge overturned a jury verdict and ruled that six Portland police officers are liable for using excessive force to apprehend a man who crashed through a glass window after taking hallucinogenic mushrooms.

U.S. Magistrate Janice Stewart declared the jury's 2003 verdict to be a "miscarriage of justice."

The judge ordered a new trial to determine the damages awarded to the family of the victim, Damon Lowery, who died during the encounter. The jury will also decide if the

officers should face further liability and if the city bears some responsibility because of its training policies.

"We felt this was a travesty of justice and this jury, for whatever reason, got it wrong," said Erik Heipt, the family's Seattle-based attorney who asked for the review.

A Portland police spokeswoman said Sunday the department had no comment.

Lowery, 29, of Lynnwood, Wash., jumped or crashed through a second-story window as officers were responding to a 911 call about his violent behavior at a woman's house in Portland. He was hog-tied after being shot with a beanbag-loaded shotgun, pepper-sprayed in the face and hit numerous times with metal batons. He died after being placed on a stretcher.

Evidence from the medical examiner showed that Lowery died of a self-inflicted neck wound from broken window glass, and asphyxiation was ruled out.

Compiled from wire reports