

Monday, February 19, 2001

Woman awarded \$8M after struggle with Oregon cop

CASE TYPE: *civil rights*

CASE: Conroy v. Henry, No. 99-3074-AA (D. Ore.)

PLAINTIFF'S ATTORNEYS: *Edwin S. Budge and Erik J. Heipt of Seattle's Budge & Heipt; and Joseph A. Grube of Seattle and M. Christian Bottoms of Portland, Ore.*

DEFENSE ATTORNEYS: *Robert A. Petersen and Tony Ridolfo, assistant attorneys general, state of Oregon*

JURY VERDICT: *\$8 million*

AT 8 PM. ON Nov. 22, 1997, Amy L. Conroy had just driven through the town of Lakeview, Ore., when she was pulled over for speeding, said her attorney Erik J. Heipt. State Trooper David T. Henry asked her to get out of her car, the lawyer continued. "Then he said he smelled alcohol on her breath and asked her to take some sobriety tests."

These tests involved asking her to walk a straight line and count backwards. "She did that, and he told her he was going to arrest her," said Mr. Heipt. The accounts of what happened next, he said, differ vastly.

"According to her account, he took out the handcuffs, slapped them on her and then began beating the crud out of her," Mr. Heipt said. "He emptied a can of chemical spray in her face," beat her with a steel baton and "then threw her down an embankment."

When she reached the bottom of the embankment, the officer followed and, as he straddled her, "she felt his hand tugging at her jeans," Mr. Heipt charged. "She kicked him off her and got back in her car. As he approached the vehicle, she turned to look out the rear window. As her back was turned he shot her." The gunshot shattered her shoulder, leaving her permanently disabled, said Mr. Heipt.

The officer's account was that Ms. Conroy resisted arrest and that "he had to keep escalating the force because he couldn't subdue her," said Mr. Heipt. "According to him, when she ran back to the car, he ran to grab the key. She pulled out what he thought was a gun and he shot her."

After the incident, Ms. Conroy sued Mr. Henry, alleging excessive force in violation of her civil rights. Ms. Conroy also sued the state of Oregon, but this action was dismissed. The plaintiff contended that there were glaring discrepancies in Mr. Henry's account. "No gun was found in her car," Mr. Heipt said. "A can of mace was found in the car, so the attorney general's office said that was what she was going for."

But, he added, "there were no fingerprints on the mace, no blood splatters on it." There was "no way" she could have been reaching for the mace, he said. In addition, he said, Ms. Conroy was never charged with resisting arrest, although she was charged with driving under the influence.

On Feb. 2, a Eugene, Ore., jury awarded Ms. Conroy \$8 million, including \$4.5 million in punitives.

The plaintiff will also be entitled to at-

torney fees. Even though the case against the state was dismissed, Oregon is still on the hook for the judgment, Mr. Heipt said. A state spokesperson said the state will appeal.