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## Woman shot during arrest awarded \$8 million

*A jury finds that Amy Conroy's rights were violated when she was wounded fighting a trooper during a drunken-driving arrest*

By **ALICE TALLMADGE**  
CORRESPONDENT, THE OREGONIAN

EUGENE — A jury has unanimously awarded \$8 million in damages to a 43-

year-old Mosier woman who was beaten, pepper-sprayed and shot by an Oregon State Police trooper during a drunken-driving arrest in 1997.

The jury of eight took six hours in U.S. District Court on Friday to determine that former Trooper David Henry violated Amy Conroy's civil rights by using excessive and unreasonable force when he struggled with and then shot her during a traffic stop.

The award represents \$3.5 million in compensatory damages and \$4.5 million in punitive damages.

"The jury used its voice to send a message to the Oregon State Police and other law enforcement agencies that they have to treat citizens within the boundaries of the Constitution," said Portland attorney Chris Bottoms who, along with three Seattle attorneys, represented Conroy.

Kevin Neely, spokesman for Attorney

General Hardy Myers, said he is unaware of an award of this size against an Oregon State Police trooper. Neely said the attorney general's office is considering whether to appeal. Henry has retired from the state police.

Bottoms said that during the incident, Henry struck Conroy with a baton 15 to 20 times, emptied an entire can of pepper spray into her face and shot her in

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## Arrest: Blood alcohol level was over twice legal limit

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the back with a .40-caliber handgun. The bullet exited her shoulder.

Bottoms said Conroy's entire shoulder had to be replaced in the months following the shooting. "Doctors couldn't save any of the bone," he said. Conroy makes clothing for a living, and the injury has affected her ability to use her sewing machine, he said.

Assistant Attorney General Robert Petersen, who argued the case for Henry, was not available for comment Friday.

Conroy was driving on U.S. 395 about 12 miles north of Lakeview in November 1997 when Henry, then a 24-year veteran, pulled her over for speeding. Henry suspected Conroy was under the influence of alcohol and asked her to perform sobriety tests, which she failed. Tests later showed Conroy's blood alcohol level to be .17 percent, more than twice Oregon's limit of .08 percent.

Conroy fought with Henry when he tried to arrest her on suspicion of drunken driving. Findings by police investigators said the struggle included "going to the ground on the highway surface, over the hood of the patrol car, along the shoulder of the road, down the

embankment and into the adjacent field."

After the fight, Conroy returned to her car and struggled with Henry for the keys. The defense, Bottoms said, maintained that Henry shot Conroy after he saw her reaching for what he thought was a gun.

Bottoms said the attorney general's office later conceded no gun was found. Investigators did find a canister of Mace, but tests showed it had no fingerprints and had never been discharged. A pair of scissors was found in Conroy's vehicle.

During the trial, Henry said that on the day of the shooting he had taken the prescribed drug butalbital. Portland forensics scientist Raymond Grimsbo, who testified at the trial, said butalbital is a controlled substance prescribed for migraine headaches.

Grimsbo said the drug could have affected Henry's judgment and perception. "What he thought he saw may not be what he saw," Grimsbo said.

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*Do you have news of inland Douglas and Lane counties? You can reach Alice Tallmadge at 541-741-6256 or by e-mail at a.tallmadge@worldnet.att.net.*