

Ex-Ga. Deputies Sued In Man's 2017 Death After Stun Gun Use

By **Kelcey Caulder**

Law360 (July 7, 2023, 9:34 PM EDT) -- The sister of a man who died after being shot with a stun gun in a widely publicized July 2017 confrontation with three Washington County, Georgia, sheriff's deputies as he walked on a rural road is suing the deputies, alleging their actions deprived her brother of his constitutional rights.

Helen Martin Gilbert filed the **suit** Thursday in Georgia federal court. It asserts the deputies violated 58-year-old Eurie Lee Martin's rights under the Fourth Amendment, as well as policing policies of the Washington County Sheriff's Office, when they shocked him with stun guns "fifteen times in just over four minutes," handcuffed him and restrained him face-down on the ground while applying force to all of his extremities and back.

Deputies Henry Lee Copeland, Michael Howell and Rhett Butler Scott were fired following the incident, according to a statement released by the Sheriff's Office. They were later indicted by a Washington County grand jury on two counts of felony murder, two counts of involuntary manslaughter, one count of false imprisonment, one count of aggravated assault, one count of reckless misconduct and one count of simple assault.

The criminal case went to trial but ended in a mistrial in October 2021 when the jury could not agree on a verdict, records indicate. It's up to Chattahoochee Judicial District Attorney Stacey Jackson to decide whether to seek a new criminal trial, but there has been no word on when that could happen.

Francys Johnson, who represents Gilbert in the suit, told Law360 on Thursday that Martin's family felt "the time was right" to move forward with the civil case, as "justice has been delayed but will not be denied."

In the suit, Gilbert asks the court to award her — as the administrator of her brother's estate — general, compensatory, punitive and special damages, including funeral and burial expenses, in addition to fees and costs.

That award is justified, she argues, because the deputies violated her brother's constitutional rights and showed "deliberate indifference to his need for medical care. Rather than providing care, Gilbert alleges, one of the officers instead called Martin an "idiot" upon observing him prone and immobile on the ground.

"Defendants failed to provide Mr. Martin with any medical attention whatsoever, even after it would have been clear to any reasonable law enforcement officer that he required immediate medical attention and care," the suit says. "Even as Mr. Martin lay dying, the defendants mocked him and failed to attend to him."

The deputies had no reason to use such force during a so-called "first-tier encounter," the suit says, adding that each deputy failed to intervene in the others' actions. The officers had no reason to believe Martin had been involved in a crime at the time of the incident, according to the suit, which says Martin did not employ "any resistance."

The suit notes Copeland was the highest-ranking officer on the scene when Martin died and that he had supervisory authority over both Scott and Howell. And yet, Gilbert alleges, Copeland failed to act to stop the "multiple unlawful and unwarranted tasings" or render medical care, but instead

"personally engaged" in the behavior.

"Because defendant Copeland's actions were motivated by evil motive or intent and/or involved a reckless or callous indifference to Mr. Martin's federally protected rights, an award of punitive damages against him is appropriate to the fullest extent permitted by law," the suit asserts.

The attempted arrest at the heart of this case took place in July 2017 after a homeowner called 911 to report Martin as suspicious after he approached to ask for a drink of water. According to the suit, it was 90 degrees outside that day, with a heat index of 107 degrees, and Martin was walking 30 miles to see relatives for his birthday.

Records indicate that the homeowner described Martin as a "Black man, probably 50-plus-years-old, about 6'3", 220 pounds," and that the homeowner reported not liking "the look of him."

Following that 911 call, the suit says, Howell found Martin walking down Deepstep Road in Washington County and attempted to speak with him. Martin responded by asking Howell who he was and by continuing to walk, at which point Howell radioed for backup and began following Martin with his blue lights on, according to the suit.

Audio and video from Howell's dashboard recording system show Copeland was the next officer to arrive, according to the suit, which says Martin attempted to keep walking, told the deputies he'd done nothing wrong and asked them to leave him alone.

Eventually, as Martin walked with the officers walking behind him, the suit alleges, Howell told Copeland to "tase his ass," even though Martin had committed no crime, according to the suit. Copeland then asked Martin to stop and to put his arms behind his back, and when Martin didn't respond, Copeland shot him with a stun gun, the suit says.

Martin was able to remove the stun gun probe from his arm and got back up to keep walking, and Scott was called in as backup, per the suit. After Scott arrived, the officers "encircled" Martin, the suit alleges, and proceeded to tase him several more times, even after he'd fallen to the ground.

According to Gilbert, Martin can be heard in footage recorded at the scene crying out in pain, exclaiming, "they killing me," as the officers "applied their collective body weight" on top of him.

Martin was declared dead at the scene by first responders, the suit says.

Representatives for the deputies could not be reached for comment.

Gilbert is represented by Francys Johnson and Harold W. Spence of Davis Bozeman Johnson Law PC.

Counsel information for the deputies was not immediately available.

The case is Gilbert v. Copeland et al., case number 5:23-cv-00239, in the U.S. District Court for the Middle District of Georgia.

--Editing by Amy French.