

Settlement Is Reached In Arrestee's '99 Death; Man Was in Pr. George's Police Custody

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Attorneys for Prince George's County have settled a federal civil lawsuit brought by relatives of Elmer Clayton Newman Jr., the Suitland man whose death in police custody in 1999 was ruled a homicide by the state medical examiner.

The lawsuit was scheduled to go to trial today before U.S. District Judge Peter J. Messitte in Greenbelt. Attorneys for the Newman family and the county reached a settlement before U.S. Magistrate Judge William Connelly on Friday, Messitte said.

Messitte said he could not divulge the terms of the settlement.

Terrell N. Roberts III, an attorney for the Newman family, said he could not comment and referred questions to county attorneys. Deputy County Attorney John A. Bielec and Associate County Attorney Crystal D. Mittelstaedt did not return phone calls.

Although such settlements involve public funds paid as the result of actions by public employees, county attorneys routinely require plaintiffs and their attorneys to sign confidentiality agreements as a condition of any settlement.

Last July, county attorneys agreed to pay more than \$1 million to settle a federal civil lawsuit filed by a Greenbelt man who was severely beaten by county police officers who wrongly arrested him in the killing of a police officer. The amount was confirmed by sources who were not connected to the lawsuit.

The Washington Post is suing the county for information about police misconduct settlements and other documents. In the fall, a Circuit Court judge ruled that the information is public record and should be turned over. The county is appealing the ruling.

The settlement of the Newman case occurred nine months after Messitte threw out most of the allegations in the original lawsuit. It alleged excessive force, assault and battery, and unlawful arrest of Newman and his girlfriend, LaTanya Dantzier.

In May, Messitte dismissed claims against four of seven county police officers named in the lawsuit. Messitte also threw out a key allegation that two officers violated Newman's right to due process by failing to provide medical care after he had been pepper-sprayed and beaten by officers.

Newman, 29, suffered two broken neck bones and two fractured ribs when he was arrested in the early morning of Sept. 22, 1999, according to an autopsy. Newman lost consciousness in a holding cell at the Oxon Hill police station and was taken to Fort Washington Hospital, where he was pronounced dead.

The medical examiner attributed Newman's death to a combination of chest injuries and cocaine overdose.

The confrontation with police occurred after Newman called 911 to report a possible intruder in the Suitland apartment he shared with Dantzier. Police said that Newman had a knife, which he dropped when ordered, and that he became aggressive when officers tried to handcuff him.

The first officer to arrive at the apartment, Edward S. Finn, pepper-sprayed Newman, according to court papers. In a sworn deposition, Dantzier testified that Finn hit Newman two or three times in the face after Newman was handcuffed.

In a sworn deposition, Finn testified that Newman struggled violently with him and two other officers.

According to court papers, Vincent Stroud, who was in the Oxon Hill jail cellblock for allegedly tampering with a car when Newman was brought in, told an investigator for Newman's attorneys that officers smirked and giggled at Newman as he lay on the floor of the cell, wheezing.

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