

Nelson & Dahle, P.C.

316 North 26th Street Billings, Montana 59101 p: 406.867.7000

FEDERAL COURT

Taylor v. Fowler, Dilley, and Zuhoski, CV 99-150-BLG, 10/24/03.

VERDICT: Defense, excessive force arrest.

A Billings jury found that Laurel Officer Jeffrey Fowler did not violate Randall Taylor's constitutional rights or commit assault & battery causing damage to him in connection with his DUI arrest in 11/97, and that officers Michael Zuhoski and Otis Dilley did not violate his constitutional rights causing damage to him.

Taylor, 43, was arrested at 2 a.m. after his vehicle was seen in the wrong lane of I-90. According to police, he was hostile during the stop and spat in Officer Jeffrey Fowler's face, and at the station when Fowler pointed to emphasize his directive to remain seated, bit Fowler's finger and would not release it until Fowler hit him. Taylor then lunged at Fowler and Fowler pushed him back and Taylor cut his head on a shelf. He was charged with misdemeanor assault for spitting on Fowler, felony assault for biting him, and DUI. He pled guilty to DUI and entered Alford pleas to the assault charges. He subsequently moved to withdraw his guilty pleas. Judge Colberg denied the motions. Colberg was affirmed on appeal. Taylor asserted §1983 claims that Fowler had used excessive force, filed false information, and obstructed justice, and committed assault & battery under state law. He asserted §1983 claims against Zuhoski and Dilley for failing to intervene to prevent excessive force and for filing false information and obstructing justice.

Defendants' expert: LEA instructor Robert Banis (excessive force).

Jury deliberated 6 hours 3rd day; Magistrate Anderson.

Randall Taylor, Sidney, pro se; Jared Dahle (Nelson & Dahle), Billings for Defendants (MMIA).

Jury deliberated 5½ hours 4th day; Judge Erickson

