

# Officers being sued for \$10 million

By JERRY LANKFORD

Record Editor

A Boomer man, who alleges he was beaten and shot repeatedly with an electric Taser is suing officers for \$10 million.

Paul Douglas Absher Jr, 26 of Russell Gap Road, filed the lawsuit in U.S. District Court in Statesville last week.

In the lawsuit Absher claims he was beaten severely, that medical treatment was delayed, that he was falsely imprisoned and that he was denied due process, which the suit claims violated his Constitutional rights.

Absher is suing Wilkes County Sheriff's Department deputies Harold Martin, Harper Hartley and Gene Wyatt along with Wilkesboro Officer Rocky Moore. Also named as defendants are four other unnamed Wilkes deputies and N.C. State Highway Patrol Trooper Brandon Stokes.

The lawsuit stems from a Sept. 19, 2007 incident which occurred near the Boomer Post Office off N.C. 18 South.

Absher claims he was sitting in the grass near the intersection of N.C. 18, Russell Gap Road and Boomer Road around 10:30 p.m., waiting for his girlfriend to pick him up. He states in the suit that he was not doing anything illegal or suspicious and that he had consumed no alcohol that day — he did state, however, that he had smoked marijuana earlier in the day.

In the suit, Absher states that Martin shined a flashlight in his face and accused him of being drunk. Absher then stated that he told the officer he wasn't drunk and offered to take a breathalyzer test.

According to the suit, Martin told Absher to get in his patrol car so they could "talk about it." Absher said he opened the front passenger door of Martin's car and was trying to step in the car in response when Martin grabbed him and forced him to the ground. The suit said Absher was face down on the ground, with Martin's knee in his back when the fray began and backup officers were summoned.

Martin stated in his report that he was on patrol and saw Absher lying in the road when he stopped. One he got the man in his patrol car, Martin said that Absher kicked him and that the confrontation escalated.

"Deputy Martin got one handcuff on Absher but was unsuccessful in getting the other handcuff on. When Deputy Martin could not get the second handcuff on, he gave Absher one full burst of pepper spray in his face," the suit stated

The suit went on to state that both men staggered as they tried to clear the pepper spray in their eyes and that Absher walked to the nearby Boomer Post Office, with Martin following. Martin then got the other handcuff on Absher.

"Absher wandered at an unhurried pace" about 20 yards, still handcuffed, as other officers arrived, the suit stated.

Hartley, Wyatt, Moore, Stokes and other officers, who are not identified in the lawsuit, arrived, according to the suit. The suit stated that Hartley applied his Taser 10 times on Absher. The suit states this is contrary to policies observed by both the sheriff's department and Wilkesboro Police Department.

The suit goes on to allege that Absher, while incapacitated from Taser shots, was beaten and kicked in the head and torso with flashlights and asp-batons by Martin, Hartley, Wyatt, Moore, Stokes and two unnamed officers.

Officers delayed delivery of medical treatment to Absher after first responders and Wilkes Emergency Medical Service arrived, the suit states. After Absher was placed in Wyatt's patrol car, according to the report, Hartley deployed his Taser on Absher three more times.

Absher, according to the lawsuit, was transported to the sheriff's department's intake center, where he was charged and beaten by Martin, Hartley, Wyatt and two other unidentified officers. Despite his injuries, the suit stated, Absher wasn't transported to Wilkes Regional Medical Center in North Wilkesboro until about 75 minutes after he arrived at the intake center in Wilkesboro.

Hospital officials, according to the lawsuit, noted that Absher had black eyes, a bloody nose and abrasions on his face, head and elsewhere, as well as Taser wounds and swelling.

Absher was then transferred to Wake Forest University Baptist Hospital in Winston-Salem, according to the suit, where he was in a coma and hooked up to a ventilator at for five days and in the intensive-care unit for nine days. The suit states that officials at Baptist said that Absher had suffered cranial fractures, a severe brain injury and two fractured ribs.

The suit states that Absher now has trouble memory and processing information, a permanent decrease in cognitive abilities, headaches and inability to taste or smell.