

Excessive force case loses appeal

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Appellate judges have upheld a civil judgment in favor of Spokane County after a jury ruled in 2011 that a deputy did not use excessive force during a traffic stop in 2006.

Mary Schultz, the attorney for Daniel B. Strange, appealed several rulings by Superior Court Judge Sam Cozza during the civil trial in January 2011.

Strange alleged that Spokane County Sheriff's Deputy Jeff Welton used excessive force when he used his Taser on Strange during a traffic stop in 2006 in Spokane Valley.

Among the issues raised by Schultz, was a ruling by Cozza barring her from raising previous internal investigations where citizens had alleged that Welton, who has since been promoted to detective, had used excessive force in the past.

Schultz said she was never allowed to show the jury a report in the case by a paid expert who wrote that Welton was named in 13 of 42 excessive force complaints against his patrol division between 2001 and 2006.

But the Division III Court of Appeals took no issue with Cozza's ruling.

"The court held that 'all of the occurrences sought to be admitted were investigated and reviewed pursuant to Sheriff's departmental policy, resulting in findings of either exoneration, not sustained, or unfounded,'" Judge Dennis Sweeney wrote for the majority.

Schultz also asked for reversal on the grounds that Cozza allowed the attorney representing Spokane County to introduce evidence during the trial that had not previously been provided to the defense.

Again, the appellate judges ruled that Cozza allowed Schultz to fully cross-examine the witnesses to explore that issue at trial.

"Certainly the perfect case was not tried here," Sweeney wrote. "But the perfect case has not been and never will be tried. The parties here are not entitled to a perfect trial."