

Benton judge tells man to pay up

Kristin M. Kraemer, Herald staff writer

The recipient of a hefty settlement for a police Taser incident was told it's time to stop blowing off the court system and pay \$22,349 in fines, or go to jail.

Mark E. Clark said he has been quibbling with Benton County clerks to waive interest on his court costs and restitution dating to 1997.

He told a judge this week he wants to wipe out his debt with the "couple hundred thousand dollars" he received and move on, but first he wanted that issue resolved.

He actually got \$350,000 from the city of West Richland and Benton County.

But Superior Court Judge Robert Swisher wasn't buying his excuses, given the settlement became public knowledge in mid-April.

"I read it in the paper myself, Mr. Clark. This should have been paid off, but here you're dilly-dallying around with it," Swisher said.

He agreed to release the newly employed Clark so he can keep his construction job as a framer, but it came with a stern warning -- pay the \$22,348.74 in full by July 5 or spend eight months behind bars.

The 38-year-old vowed it would get done. "I'll take care of it, sir. ... I promise," he said.

He was let out of jail Wednesday after court, and as of Friday afternoon had not handed over the money, according to Benton County Superior Court clerks.

Clark suffered serious injuries when police shocked him with a Taser gun in July 2007 and hit his head on the ground, knocking him out, according to documents he filed in federal court. He had internal brain hemorrhaging and a skull fracture, and said he has had significant problems since the incident, including mental problems, seizures and other symptoms.

The incident happened when Benton County sheriff's deputies responded to a gas station in Benton City after Clark's former girlfriend reported he was violating a no-contact order and threatening to take their child.

Clark's lawyer, Bill Reinig, previously told the Herald that deputies were talking to the ex-girlfriend when Clark happened to get dropped off there by someone else. Clark had an outstanding warrant for violating a protection order.

Upon seeing Clark, deputies called for backup because he is a big, tall guy, Reinig said. Then-West Richland Officer Brian Galusha arrived and ordered Clark to drop the cigarette he was holding, even though there reportedly was some confusion about whether Clark was under arrest.

Clark, who admits he was drunk, refused and was zapped with the Taser by Galusha. He fell backward and hit his head, and spent five days in Seattle's Harborview Medical Center.

The incident was recorded on the West Richland patrol car's dashboard camera, which Reinig said helped support his client's case.

Clark sued West Richland and Benton County because of his extensive medical costs and injuries. It was set for trial this summer in federal court, but a settlement agreement was reached in April during mediation in Spokane.

Clerks say Clark owes a lot of restitution on Benton County Superior Court cases from 1997, 2000, 2002, 2004 and 2007. Those include an attempted vehicular assault with domestic violence, protection order violations and bail jumping. He has twice done prison time.

According to the clerk's office, a warrant was issued in March because he was not making payments. Clerks learned of the settlement a month later, and Clark was picked up in May.

He made bail and was ordered to appear in court June 7, but failed to appear. Another warrant was issued and he was arrested early Wednesday.

Deputy Prosecutor Megan Whitmire told the court that Clark spoke with clerks in April and said he was "able to pay in full." Yet, she said it appeared he didn't want to do that.

Whitmire asked that Clark be ordered to serve 30 days in jail and pay off the balance.

Clark, who waived his right to an attorney, said he had been making payments up until he got the settlement. He said he was last told that the amount owed was \$18,000, and wanted clerks to take off the accrued interest.

Swisher noted that the interest is set at 12 percent by law. "That's a killer rate of interest," he said.

Clark said he has done anger management and inpatient treatment and finally again has a job after his brain injury. "I've been working my butt off and I don't want to owe these guys anymore," he said, adding that he also owes to Benton County District Court.

Swisher questioned why Clark was trying to save up money through his job when he could clear his debt with the settlement money. "You've had the ability to pay these off then."

The judge initially ordered Clark to serve a month in jail, but Clark replied that if he loses his job while sitting behind bars "incidentally I can't pay it."

"It's not a question of you going to pay it," Swisher responded to that, pointing out these fees have been outstanding and increasing over a decade. "You blew us away for that period of time. You just told us you had a couple hundred thousand dollars, and you blew us away again. ... You didn't come here and pay."

The judge asked Clark if he honestly believes the court will accept payment of \$45 a month when the clerks know he has more than \$200,000?

Clark said, "No," and claimed that's why he paid \$2,000 recently to try to start paying it. However, clerks said that amount was for his bail from the May arrest, which then was applied toward the fines.

"Please help me help myself. I will pay this money," Clark pleaded with the judge.

Swisher simply reminded him, "If you don't you, will be doing 240 days in jail."

Read more: <http://www.tri-cityherald.com/2011/06/25/1543546/benton-judge-tells-man-to-pay.html#ixzz1QVLT8fQ3>