

Lawsuit By Man Burned In Taser Shooting Settled For \$6.5 Million



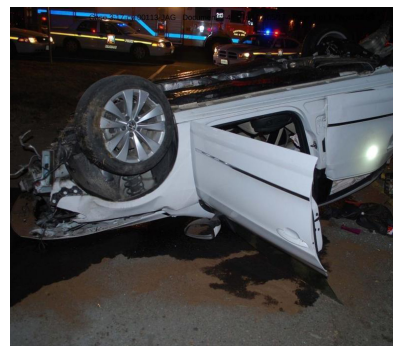
A lawsuit filed by a man who was shot with a Taser after crashing during a 2015 police pursuit — and who suffered disfiguring burns when the weapon ignited his gasoline-soaked clothes — has been settled for \$6.5 million according to attorney John C. Shea of Marks & Harrison in Richmond.

The excessive-force lawsuit filed last year by Miles Zachery-Cole November who suffered burns to more than 86 percent of his body and underwent 34 surgeries after the alcohol-fueled incident.

The lawsuit, which was filed on Feb. 5, 2017, included; officer Ryan Swope, who fired the Taser; Chief Thierry Dupuis; officers Kevin P. Gruarin, David M. Colvin, April L. Loving, Shawn Wilson and James R. Lamb; and Jon Moss, who served as the department's psychologist.

An undisclosed percentage of November's \$6.5 million settlement went to his attorneys; John C. Shea, Charles H. Cuthbert, Richard Cuthbert, Mark J. Krudys, and John F. Preis. November has purchased a house in Varina with a portion of his share of the proceeds.

The lawsuit claimed that the police engaged in systemic and unconstitutional misuse of Tasers, including their use on handcuffed suspects, the mentally ill and unarmed people on the ground surrounded by officers, and in retaliation. The allegations were based on a review by November's attorneys of 135 police Taser shooting reports from 2012 to 2015, which were acquired through a request under the state's Freedom of Information Act.



November was shot with a Taser on Nov. 8, 2015, after leading police on a pursuit that reached speeds of 120 mph. The vehicle flipped six times before landing on its roof, trapping November inside.

Police at the time said that after officers pulled November from the overturned wreckage, he resisted arrest and struggled with the officers, prompting one officer

— Swope — to fire his Taser. The 50,000-volt electrical weapon ignited November's clothing, engulfing him in flames.

The lawsuit also made serious allegations against Swope saying he admitted in workers' compensation claims that he was suffering from and had undergone treatment for, post-traumatic stress disorder that produced symptoms of "defiant, impulsive, rash and hair-triggered behavior."

Further, the complaint said that Swope had returned to active duty just five weeks before the Taser shooting and was on disciplinary probation after having been cited for "multiple incidents of misconduct."

Swope, who according to the lawsuit killed a suspect in a 2013 police shooting that was ruled justifiable, was dismissed from the department about seven months after the Taser shooting, but not because officials thought his actions violated policy or law.

Dupuis, the police chief at the time, testified that he dismissed Swope, a military veteran who served several tours in Iraq and Afghanistan, because of his association with an "outlaw motorcycle gang," the complaint said.

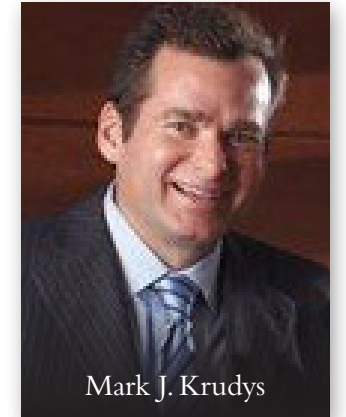
According to the complaint, November became startled as fire and medical trucks, with their sirens and flashing lights, converged on the scene, which prompted him to thrash around and try to get up from the pavement. That led the four officers standing over him to grab his arms and legs to keep him restrained.



During the commotion Swope said he heard "yelling" and moved from the wreckage to the officers restraining November before pulling his Taser. He then shouted "Taser, Taser, Taser!" and the other officers quickly moved away before Swope fired. The device's two electrical probes struck November, "immediately igniting flammable substances and/or vapors" on or around his body, the complaint said.



John C. Shea



Mark J. Krudys



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Richard Cuthbert