

# Nelson & Dahle, P.C.

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

DISTRICT COURT

French v. Billings and Billings PD, Yellowstone DV 02-45, 10/7/2002

VERDICT: \$750, mistaken' identity' false arrest.

A 6-0 Billings jury found that Billings or Billings PD falsely arrested Raymond French and that the false arrest was a cause of damages to him and awarded \$750.

Plaintiff Raymond David French, dob 11/56, alleged that on 12/24/99 a police vehicle stopped behind his truck when a tire had fallen off while his son was driving. He alleged that he was handcuffed 5-10 minutes because the officer thought that he was the Raymond French for whom an arrest warrant was outstanding. The officer then checked his driver's license and discovered that the warrant was for Raymond Mikeal French, dob 11/78.

The City had no record of an arrest and no information to confirm or dispute this account.

In 3/2000 Raymond Mikeal French received a new traffic citation. He did not pay the fine and a bench warrant for his arrest was issued 12/28/00 . On 12/29 the City incorrectly entered the warrant into its computer as applicable to Plaintiff.

On 6/24/01 Plaintiff was stopped by a highway patrolman 15 miles out of town for speeding. A warrant check revealed the incorrect information.

Plaintiff was handcuffed over his protestations that he was not the one identified in the warrant and was taken to the jail. He contended that he was held in jail several hours before the mistake was discovered. MHP records revealed that he was in handcuffs for 30 minutes and detained about 1 hour. He claimed pain & suffering from the handcuffs, emotional distress, humiliation, and inconvenience.

He alleged false arrest and violation of §1983. He alleged that information necessary to make proper identification or identify the misidentification was available at the time of arrest. Judge Fagg directed verdict on the §1983 claim on grounds that an isolated clerical error did not amount to a municipal policy which violated his constitutional rights.

No Experts

Demand, \$5,000; offer, \$500 plus fees & costs. Jury request, \$5,000-\$20,000; jury suggestion, \$90 if anything. Jury deliberated

1 hour 1st day.

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Scott Green (Patten, Peterman, Bekkedahl & Green), Billings , for French, Randall Nelson (Nelson Law Firm), Billings , for Defendants (MM1A).