

MICHIGAN LAWYERS WEEKLY

Jury Rules for Officers after Excessive Force Claim Defense argued police had right to enter the home

By: [Michigan Lawyers Weekly Staff](#) in [Verdicts & Settlements](#) November 27, 2017



James R. Acho, Esq.

Plaintiff Edward Walsh, an individual with many contacts with the Canton Township Police Department since 2009, contacted Canton police 911 with 33 phone calls on the evening of January 9, 2013, according to defendants' counsel. Walsh, who was intoxicated, was warned not to tie up the 911 line if he did not have an emergency. Plaintiff then reportedly began calling and hanging up.

Later, Canton dispatchers noticed a change in the pattern of the calls and an open line with nobody taking. Worried that Walsh may have harmed himself or was amidst a medical emergency, officers were dispatched to Walsh's residence. Upon arrival, Walsh would not answer the door.

Officers made entry through a window. Walsh could not be located and as officers approached a narrow, dimly lit hallway, Walsh jumped out and pulled something from his hip — a glass, which he fired at the officers and which shattered against the wall and between the officers' heads, according to defendants' counsel.

Officers, who had their guns drawn, did not fire at Walsh despite the furtive gesture. Stepping back, officers drew their tasers. Walsh then charged at the female officer in an aggressive manner with arms extended as if he wanted to choke her, defendants' counsel stated.

At this time, three officers' tased plaintiff. Plaintiff fell forward, cracking his head against the hearth, causing lacerations to his face and a wound to plaintiff's head. Plaintiff also asserted a closed-head injury and other emotional damages. Defendants' theory of defense was a right to enter the home under the emergency or exigent circumstances exception to the rule against entering one's domicile without a warrant.

Further, the officers did not use excessive force and not only did not shoot plaintiff, they did not even tase him until he bull-rushed the female officer, according to defendants' counsel. The case was tried over two days in front of an eight-person jury before Judge Terrence G. Berg who presided after Judge Mark A. Goldsmith became ill. The jury rendered an 8-0 verdict in favor of the four defendant officers after deliberating for roughly an hour.

James R. Acho, counsel for defendants, added, "Canton Township consistently ranks as one of the safest communities in the United States, as well as in Michigan. It was a pleasure working with these officers who work hard to keep their citizens and community safe."

Case information provided by James R. Acho.

Type of action: Police misconduct/excessive force

Injuries alleged: Closed head injury/facial lacerations/burns from multiple tasers

Name of case: Edward Walsh v. Canton Township and four Individual officers

Court/Case no./Date: U.S. District Court for the Eastern District of Michigan Southern Division/2:15-cv-14071-MAG-SDD/Oct. 31, 2017

Tried before: Jury

Name of judge: Hon. Mark A. Goldsmith and Hon. Terrence G. Berg (Goldsmith had the case until trial. Berg presided over trial.)

Demand: \$4 million

Highest offer: \$0

Verdict: No cause of action

Attorney for defendants: James R. Acho