



David A. Clarke Jr.
Sheriff

Milwaukee County Sheriff's Office

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NEWS RELEASE

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Federal Court Jury Sides with Sheriff

Milwaukee, WI – Today, Sheriff David A. Clarke Jr. and a deputy sheriff won a jury verdict yesterday in the federal lawsuit *Joshua Howard v. Byron Terry and David Clarke*. This case was tried by a jury over the past two days before William E. Callahan, Jr. United States Magistrate Judge. Joshua Howard, a Wisconsin state prisoner serving a 133-year sentence stemming from a June 2001 conviction for 2nd Degree Sexual Assault of Child, 1st Degree Sexual Assault of Child, eight counts of Child Enticement-Prostitution, and eight counts of Soliciting a Child for Prostitution (2000CF005239), came before the Eastern District court seeking damages pursuant to 42 U.S.C. § 1983 on Eighth Amendment excessive force and failure to act claims.

Inmate Howard alleged that in July 2004, after a circuit court appearance, an MCSO deputy used excessive force against him while he was handcuffed on a belly chain, which was connected to three other inmates, and traveling through the hallways of the Courthouse Complex. This charade of a claim was based on a deputy sheriff momentarily holding Inmate Howard's bicep and stabilizing him against a wall while advising him, after the inmate ignored multiple prior warnings, not to talk in the public hallways.

Inmate Howard's claim included charges that this incident had left him with "...extreme pain and physical injury to his arm, shoulder, and back, mental and emotional pain and suffering including insomnia, heightened anxiety attacks and depression." He also claimed that he became a "...subject of constant ridicule, taunting, and disrespect" from other inmates.

"Before leaving the courtroom bullpen area, my deputy instructed the inmates not to talk in the courthouse hallways," said Clarke. "We take this action specifically to maintain order, prevent attempted escapes, and prevent interactions between prisoners and crime victims, family members, and juries. I am glad that the jury in this case was able to understand this basic law enforcement need, even though Inmate Howard clearly does not."

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“My Internal Affairs Division completed a full investigation of this incident in 2004. Even though his allegations had no merit, I have always maintained that an investigation of any citizen’s claim of battery would be fully vetted, inmate or not.”

Sheriff Clarke refused offers by the inmate’s attorney to settle this case short of trial for \$7500. “County lawyers are usually eager to settle a case like this feeling it’s not worth it to take the time to defend it,” said Clarke. “I have a different view, in that we shouldn’t succumb to shakedowns of public funds by prison inmates looking to score a quick buck on a system that is averse to fighting for what is right.”

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