

Settlement reached in police shooting

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A man who was shot twice by a Paducah police officer has settled a lawsuit with the city, allowing the officer to avoid a retrial that the state Court of Appeals had ordered.

Court documents filed Monday said an amicable settlement was reached among all parties, meaning litigant Stanley Oliver, the city, the insurance carrier and policeman David Wallace. The insurance carrier is Central State, Southeast and Southwest Areas Health and Welfare Fund. Wallace remains on the police force.

Oliver's attorney, Bill McMurry of Louisville, declined comment about the case or settlement. City Manager Jerry Hoover said the city was obligated by its insurance company not to release the amount of the settlement. Hoover said the city met its \$25,000 deductible in the case through the long trial process.

Attorney William Pinkston, who represented the defendants, said he could not reveal the settlement amount because of a request from McMurry that it be kept secret. Oliver could not be reached for comment. Oliver, 37, filed suit claiming excessive force after he was

shot by Wallace, 28, during a May 9, 1990, incident. Oliver reportedly had been driving under the influence, but according to his testimony had entered his home and sat to watch TV by the time he heard Wallace pull into his driveway.

Wallace said Oliver was outside, and that the two scuffled in the yard before entering the house. He testified that Oliver pointed a loaded .357 handgun at him, and it was then Wallace fired six shots. Oliver was struck at least twice in the upper body.

A McCracken Circuit Court jury decided in December 1992 that the

force used by Wallace was reasonable for self-defense but excessive for the purpose of arrest. That jury awarded Oliver more than \$73,000 for medical bills and lost wages, but only \$1 for pain and suffering. Judge Bill Graves set aside the entire award, ruling that Wallace acted in the scope of his duty.

In May 1994 the state Court of Appeals ordered a new trial, writing that the jury's findings "appear to be in direct conflict" because of the judge's separate instructions on use of force for self-defense and arrest. The settlement eliminates the need for another trial.

Paducah Sun 1995 Oliver Settlement

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