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(Neb.)-Suit Against Bayard Police Dismissed



By: Chris Fankhauser Posted at: 09/12/2013 09:12 AM

OMAHA, Neb. (AP) - A federal judge has dismissed a lawsuit against the western Nebraska city of Bayard and its police chief over the death of a handcuffed man.

The widow of 31-year-old Daniel Driscoll sued in 2011, saying her husband was subjected to false arrest, excessive police force and deprivation of his due process rights.

An autopsy showed Driscoll died of a heart attack after being arrested in 2009 on suspicion of disturbing the peace.

The lawsuit says Driscoll was handcuffed by Chief Zakary Douglass despite being told that Driscoll had a phobia of having his hands behind his back.

U.S. District Judge John Gerrard this week granted the city's motion for summary judgment, saying that while Driscoll's death was tragic, no evidence was presented that showed Driscoll's constitutional rights had been violated.

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