

Family of man killed by police files \$10 million suit

Hall, Christina; Zaniewski, Ann . Detroit Free Press ; Detroit, Mich. [Detroit, Mich]09 Feb 2019: A.3.

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FULL TEXT

The family of a man fatally shot by police near a St. Clair Shores banquet hall has filed a \$10-million lawsuit against the city and several officers.

The lawsuit alleges that Theoddeus Gray, 29, of Detroit was unarmed and had already surrendered to police when he was killed Nov. 4 outside Lakeland Manor on Harper Avenue, according to the complaint filed Thursday in U.S. District Court in Detroit. A police K-9 was also fatally shot.

But police said Gray fired on them and was found with a gun.

Officers went to the banquet hall after receiving a frantic 911 call about a man with a gun. Gray was there to attend his girlfriend's baby shower.

Law enforcement officials said Gray pulled a gun from his waistband and fired at police officers while running away from them. Following an investigation by the Macomb County Sheriff's Office, the officers were cleared of wrongdoing.

The lawsuit, filed by Gray's father, accuses Officers Tom Price, Jessie Smith, James Ziemiecki, Trevor Head and Travis Kaufman of acting negligently and being improperly trained.

"Defendant City of St. Clair Shores had an unconstitutional policy, practice, and/or custom of allowing officers to use excessive and/or deadly force against citizens," the lawsuit reads.

St. Clair Shores City Manager Michael Smith and Police Chief Todd Woodcox did not immediately return messages left Thursday by the Free Press.

The lawsuit says within seconds of police deploying a K-9 named Axe after Gray, officers "began firing upon Gray striking him at least once in the right foot as he entered the parking lot of Harper Auto Electric, Inc." Gray was shot to death in the parking lot, according to the lawsuit.

Axe was shot and fatally wounded during the foot chase. Authorities originally said that officers opened fire on Gray after he shot Axe. But Macomb County Sheriff Anthony Wickersham, in a news conference three weeks after the shooting, said it was unclear who shot the dog. The lawsuit says one of the officers did.

Gray was shot six times. Wickersham said the officers fired a total of 48 shots. No officers were hit.

Wickersham also said Gray had a FN57 5.7mm pistol that is believed to have jammed after he fired the first shot. He said the gun was found under Gray. A loaded, AK-47 semi-automatic rifle was found next to the banquet hall. Additionally, Wickersham said police believe Gray was expecting a fight or confrontation of some sort at the banquet hall.

CREDIT: Christina Hall; Ann Zaniewski

DETAILS

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