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# No Charges for Police in Virginia Man's Death After Repeated Tasings

by ARI MELBER

Prosecutors have decided not to charge police officers in the death of Linwood Lambert, a Virginia man who died in police custody after repeated tasings in May 2013, according to two sources with direct knowledge of the investigation.

Virginia prosecutors briefed Lambert's family about the decision on Monday, two days before the third year anniversary of the incident in South Boston, Va.

"We waited three years to get back to the same place, where these officers are not going to be held accountable for their actions," said Gwendolyn Smalls, Lambert's sister, after leaving the meeting Monday evening.



Linwood Lambert Courtesy of Gwendolyn Smalls / via MSNBC

According to another source with knowledge of the inquiry, the lead prosecutor, Halifax County Commonwealth's Attorney Tracy Quackenbush Martin, investigated whether the repeat tasings were the actual cause of Lambert's death — while another prosecutor, Michael Herring, Commonwealth's Attorney for the City of Richmond, focused on whether the officers had the criminal intent to harm or kill Lambert.

Related: [FBI Opens Inquiry into Virginia Man's Death After Hospital Tasing](#)

The prosecutors are expected to release a report of their findings on Tuesday.

Tom Sweeney, who represents Smalls in a civil suit against the police, said he "was disturbed to learn" that the prosecutors "reached out to a paid consultant for Taser International analyzing the decision on whether or not these officers acted within the law."

The three officers discharged their tasers 20 times during the incident, including while Lambert had his hands and feet bound — a violation of police rules.

The incident had been under investigation since it occurred in May 2013, and drew renewed scrutiny after video of the tasings were exposed by MSNBC in November 2015.

Police files files obtained by MSNBC also suggested police misled investigators about the incident.

Lawyers for the officers have denied any wrongdoing in the case.



A new investigation, including police videos obtained exclusively by MSNBC, shows Linwood Lambert's trip for the first time. MSNBC

Police initially took Lambert into custody not as a suspect, but to bring him to the ER for medical care after reports that he was acting erratically in a hotel room. He broke their squad car window when arriving at the hospital entrance, where police then tased him repeatedly, shackled his legs, and then removed him from the hospital and took him to jail, where he died.

In the civil suit regarding his death, his family is arguing police had an obligation to provide him the medical care they initially offered.

Sweeney says the suit is currently on appeal, focusing on a lower court's ruling "regarding the initial tasings" and whether the police violated the Constitution by depriving Lambert "of medical care."

Related: Video Shows Virginia Man Tased, Shackled Before Dying in Police Custody

Apart from the local investigation and the civil suit, the FBI also recently opened an inquiry into the incident.

Smalls, Lambert's sister, says that a separate inquiry is welcome because she does not think the local prosecutor was fair or impartial.

"It's unbelievable, her theory was more supportive to the police officers, because her husband is a sheriff and she works with the police," Smalls told NBC News.

That prosecutor, Martin, did not immediately return calls on Monday evening. She has previously said she would take a thorough and fair approach to the case and follow the facts where they lead.



Gwendolyn Smalls poses in her home in Richmond, Va., Thursday, Nov. 12, 2015. AP

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