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Sister: No charges against police in Virginia stun gun case

AP

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FILE- In this Nov. 12, 2015, file photo, Gwendolyn Smalls poses for a photo in her home in Richmond, Va. Smalls' brother, Linwood R. Lambert Jr., died in police custody in May of 2013 after being repeatedly stunned by South Boston police. Smalls and her attorney told The Associated...

RICHMOND, Va. (AP) — A Virginia prosecutor has decided not to bring charges against officers who used stun guns repeatedly on a black man before his 2013 death, the man's sister and her attorney said Monday.

Linwood Lambert's sister, Gwendolyn Smalls, and her attorney told The Associated Press that Halifax County Commonwealth's Attorney Tracy Quackenbush Martin said during a meeting with them Monday that she doesn't believe there's enough evidence to bring criminal charges against South Boston Police Officers Tiffany Bratton, Clifton Mann and Travis Clay.

Martin didn't immediately respond to a message left at her office and an email seeking comment Monday. Smalls said she expects Martin's investigative report to be released Tuesday.

The decision comes nearly three years after Lambert's May 4, 2013, death, which was thrust into the spotlight last year after the release of police car dash and hospital surveillance videos that showed the officers using their stun guns multiple times on Lambert, even after he was restrained in handcuffs and put in the back seat of the patrol car.

Smalls, who said she met with Martin for nearly four hours Monday, said the decision is "heartbreaking."

"It took three years to get exactly where we began on May 4, 2013," Smalls said. "These officers can walk around the streets after what they did to my brother."

Richmond Commonwealth's Attorney Michael Herring, who helped Martin with the investigation, was also present at the meeting, Smalls said. Herring also didn't respond to an email seeking comment Monday.

The FBI said in March that it is conducting a separate civil rights investigation into Lambert's death. Smalls has also filed a \$25 million civil lawsuit against the officers, and that case is still ongoing. Tom Sweeney, one of Smalls' attorneys, said that case is expected to go to trial early next year.

The attorneys representing the officers in that case didn't immediately respond to emails Monday evening.

The officers initially took Lambert into custody after responding to a noise complaint at a hotel, where they said the 46-year-old was acting strangely. They handcuffed Lambert and decided to take him to the hospital.

Once there, Lambert kicked out the cruiser's window and ran toward the emergency room doors. The officers shocked him repeatedly before he fell to the ground. One officer said: "I'm going to light you up again." Another warned he would "pop" him every time he got up.

The officers took Lambert to jail, saying he was arrested for disorderly conduct and property damage. They shocked him again when he's was put back in the cruiser, restrained in the back seat.

He was later brought back to the same ER and pronounced dead about an hour after he was initially taken into custody.

An autopsy report showed Lambert died of "acute cocaine intoxication."

The officers have defended their use of force, saying it was appropriate because Lambert was causing damage to property, had become violent and had put their safety at risk. In court, their attorneys have also rejected claims made by Lambert's family that the man's race was a factor, noting that one of the officers, Bratton, is also black, The South Boston News & Record reported.

The commonwealth's attorney had faced mounting pressure from Lambert's family and civil rights activists to make a decision on whether to charge the officers. Lambert's family and supporters have held several marches in South Boston since the videos were released and are planning another for Wednesday, the third anniversary of Lambert's death.

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