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Tehama County pays to settle excessive force claim



The Tehama County Superior Courthouse is pictured. (DN file)

By **RED BLUFF DAILY NEWS** |

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RED BLUFF —Tehama County has agreed pay \$75,000 plus attorney fees and costs to a Red Bluff resident to settle claims that sheriff's deputies used excessive force and violated his rights.



The settlement follows a published opinion by the California Court of Appeal ruling that a Tehama County Superior judge had erroneously dismissed Murchison's case against the two deputies involved in the incident, Det. Jeff Garrett and Sgt. Richard Knox, the release said.

"This settlement represents a complete vindication of Michael Murchison's constitutional and civil rights claims," said John Heller, who represented Murchison on appeal.

The case stems from an incident that occurred in 2015, the release said. Relying on a mistaken suspicion that Murchison illegally possessed a handgun, Knox and Garrett drove in an unmarked car to Murchison's remote rural home west of Red Bluff, dressed in plain clothes. Murchison had no handgun.

The deputies spotted a rifle outside of Murchison's home and, without identifying themselves or seeking a warrant, crossed onto Murchison's property towards it, the release said. Murchison ran to keep the men from stealing the rifle or using it against him.

Deputies apprehended Murchison at gunpoint, the release said. It was only while Murchison was on the ground, with both men on his back, that he realized the intruders were sheriff's deputies.

The officers released Murchison when they learned a decades-old conviction that would have prevented him from owning a handgun had been expunged, the release said. But the attack left him traumatized, injured and requiring medical treatment.

Murchison filed suit against the officers and the county, the release said. The trial court granted the defendants' motion for summary judgment, dismissing Murchison's action.

The Court of Appeal reversed, holding a jury could find in Murchison's favor on his claim that the deputies used excessive force, their warrantless search violated the Fourth Amendment and led to Murchison's injuries and they were liable under state law claims, the release said.

"Michael Murchison set out to prove that this type of law enforcement misconduct cannot be tolerated, and he prevailed," said Michael Scheibli, Murchison's counsel at the trial court. "The residents of Tehama County are better off for his efforts."



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