



City in northeast Arkansas to pay man \$57,500 in officer assault case

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by [Bill Bowden](#)



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The city of Walnut Ridge has reached a settlement with Adam Finley of Smithville, who filed a federal lawsuit that said he was "unlawfully arrested, assaulted and harassed" by a Walnut Ridge police officer in 2016.

Mark Rees of Jonesboro, Finley's attorney, said Walnut Ridge will pay Finley \$57,500, with half of that money coming from the Arkansas Municipal League. Rees said the settlement was reached Friday and approved Monday by the Walnut Ridge City Council.

Finley was "roughed up" by officer Matthew Mercado during a traffic stop in Walnut Ridge on Dec. 28, 2016, according to the lawsuit, which was filed in April 2018. When Finley went to the Walnut Ridge Police Department to complain, he was given citations for refusal to submit to arrest and obstructing governmental operations, according to the lawsuit.

The tickets were written by officer Matt Cook with the permission of Police Chief Chris Kirksey, according to the suit. Both men were named as defendants in the case, along with Mercado, Walnut Ridge Mayor Charles Snapp and the city of Walnut Ridge.

M. Keith Wren, a Little Rock lawyer, represented Mercado, Kirksey and Cook.

"We negotiated a compromise of the case -- that's all it was," Wren said. "We were able to get it worked out relatively early on, so I think that's beneficial to everyone involved."

Body cam footage shows Arkansas traffic stop that is subject of lawsuit - Part I



The trial was scheduled for Nov. 4 in federal court in Jonesboro.

Wren said part of the agreement is that Finley will sign a release that specifically states that the settlement "cannot be used as, and is not, an admission of liability."

Wren said Mercado and Kirksey no longer work for the Walnut Ridge Police Department.

Rees said winning a lawsuit is one thing, but collecting on the judgment is another, especially if the judgment is against one police officer. With the city of

Walnut Ridge as a defendant and the Municipal League paying half the judgment, Rees said his client is assured of receiving the \$57,500.

"We're happy with the settlement," Rees said. "We think justice was done."

Rees said there was a chance the city could have "gotten out of this."

"The only way you can keep a city in the case is if you can show there was some kind of systemic plan in place where they allowed that kind of conduct to take place or they just kind of turned a blind eye," he said. "If it's just a rogue cop, the city could get out of the case."

According to the lawsuit, Kirksey had previous knowledge of the "vicious propensities" of Mercado and/or other Walnut Ridge police officers, but he took no steps to train them, "correct their abuse of authority or to discourage their unlawful use of authority."

Mercado committed "unlawful assaults and batteries" on Finley by cursing, threatening and shoving him, Rees wrote in the complaint. That is in addition to false arrest and imprisonment, according to the suit.

Rees wanted compensatory and punitive damages for his client.

During the traffic stop, Mercado asked Finley why he was on railroad property, and Finley said he worked for the Burlington Northern Santa Fe Railway Co. Finley was driving a white, unmarked pickup and was wearing an orange jacket that had "BNSF Railway" on the front right side and an American flag on the left side. Finley showed Mercado his railroad identification badge.

Mercado said Finley had an "attitude," according to the suit.

Mercado asked Finley to get out of the pickup and then "verbally assaulted" him, according to the suit. Then Mercado "physically assaulted" Finley by pushing him into the door and handcuffing him.

Rees said what happened was clear in Mercado's body camera footage. He said there was no audio on the first 30 seconds of the video, but Finley's facial expressions didn't convey any sort of attitude problem in that short amount of time and neither did his words during the remaining 8 minutes of footage.

According to Mercado's report on the incident, "Before I was able to introduce myself, the driver began asking me 'what the hell did you pull me over for?'"

Mercado asked several times for Finley's driver's licence and proof of insurance before Finley produced them, according to the police report.

"Also during this time, I noticed Mr. Finley was doing something with his right hand under the center console of his truck," Mercado wrote. "It was making me quite uncomfortable. For safety purposes, I asked Finley to step out of the vehicle at that point, he did not. He continued to complain and tell me that this was the 'stupidest s*** ever!'"

In the video, Mercado can be heard telling Finley not to get too close to him. Mercado apparently grabbed Finley after he stepped toward the bed of the pickup, closer to the police officer. In the video, Mercado appears to spin Finley around and push him toward the truck before handcuffing him.

Eventually, Mercado removed the handcuffs and released Finley, giving him no ticket as a result of the traffic stop. But Mercado said next time "you will ride the lightning," referring to being tazed, according to the court filing.

Finley went immediately to the Police Department to file a complaint about Mercado and the traffic stop. He left with the two misdemeanor citations in hand.

After a trial on April 3, 2017, in Lawrence County District Court, Finley was acquitted of the charges, according to the lawsuit.

Calls to the mayor and to Mark Hayes, executive director of the Municipal League, weren't returned Tuesday afternoon.

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