

City of Cleveland pays \$375K to settle lawsuit filed by man shot by police officer in 2014 arrest

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CLEVELAND, Ohio -- The city of Cleveland agreed to pay \$375,000 to settle a lawsuit filed by a man who said a police sergeant unjustly shot him during a 2014 arrest.

Cleveland Sgt. Timothy Patton shot Kipp Holloway, who was unarmed, while investigating a burglary May 21, 2014. Holloway was arrested and charged in the burglary, but a judge cited a lack of evidence when he later dismissed the charges.

Holloway's attorney called the shooting "unjustified" and "unconstitutional and senseless" when he announced the settlement Friday in a news release.

"Yet again an officer attempted to justify a shooting by covering up his actions with a fabricated story," attorney Terry Gilbert said in the news release.

City of Cleveland spokesman Dan Williams said Friday that he was not aware of the details of the settlement and could not comment.

The settlement came Thursday in mediation before U.S. District Court Judge Dan Polster. It brought an end to **the lawsuit Holloway filed in 2015**. Cleveland Lt. Paul Baeppler, who was a sergeant at the time and now is a member of the city's Community Police Commission, was also named as a defendant in the lawsuit. But a judge granted Gilbert's request to remove Baeppler's name from the suit.

Patton, who was a shift supervisor in the Fifth District at the time of the shooting, was investigating a report of a burglary at NAMPAC on East 128th and Kirby Avenue when he shot Holloway, according to court records. A NAMPAC security guard called 911 and claimed three burglars broke into the building to steal copper. The security guard told a police dispatcher he was in pursuit of a car the burglars used to drive away, records say.

The car crashed into a nearby fire hydrant, and the three suspected burglars ran away, the security guard said.

Patton was searching the neighborhood for suspects when he entered a garage and found Holloway lying on the floor, Gilbert said.

Holloway jumped up, and Patton thought he saw a silver pistol in Holloway's right hand, Patton said in a deposition filed in court.

Patton opened fire and shot Holloway's left forearm. The bullet then ricocheted in the garage and struck Holloway in the chest, Gilbert said.

Holloway was arrested and later indicted on charges of breaking and entering and possessing criminal tools.

But a Cuyahoga County judge dismissed the charges for lack of evidence after an October 2014. Holloway was released.

Holloway's co-defendants, Brandon Benton and Lawrence Burks, each pleaded guilty to breaking and entering, court records show.

Holloway said he was running errands when Benton and Burks, whom he knew, stopped and offered to give him a ride to an RTA station. Holloway noticed a man in a pickup was following their car, and Benton and Burks said they robbed the man, records say.

The lawsuit says Holloway has endured three surgeries and is expected to need a fourth. He lost feeling and the use of his left hand in most situations, and he cannot hold his infant son, the suit says.

He still has scars from the shooting, and there is still shrapnel in his chest, the suit says.

Holloway has prior felony convictions for breaking and entering, receiving stolen property, escape and attempted drug trafficking, among other offenses, records show.