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## Man shot by police officer settles claim for \$275K

By: Bill Cresenzo December 17, 2020

A man who was shot in the face by a Wilmington police officer has settled a pre-lawsuit claim against the city of Wilmington and the Wilmington Police Department for \$275,000, his attorneys report.



Littlejohn

Micheal Littlejohn Jr. of Charlotte and Abraham Rubert-Schewel of Tin Fulton Walker Owen in Chapel Hill report that their client, whose name was withheld, was walking down Wilmington Street in September 2017 with a BB gun on his hip. A Wilmington police officer, who was investigating a wreck nearby, saw the man and pushed him against a wall.

The “startling encounter” caused the client to flee into a nearby alley, and the officer fired shots, Littlejohn said. One hit the client in the face, another in his hip. The client suffered a facial injury, muscle injuries, a displaced fracture in the spine that has left him partially immobile, and emotional distress.

Littlejohn said that the man was African-American and panicked because “like so many African-Americans, he was afraid of interactions with officers, as they can become fatal,

and he just didn’t know what to do when the officer grabbed him from behind and then began firing shots at him.” Although the client was charged with going armed to the terror of the people, assault on a law enforcement officer and resisting a public officer, Littlejohn said that the client was not brandishing the gun, but rather was openly carrying it in the waistband of his pants. The first two criminal charges against him were dropped, and he pleaded guilty to resisting a public officer.

New Hanover County’s district attorney and the City of Wilmington’s chief of police announced that an independent review found that the officer was justified under North Carolina law and used reasonable force, Littlejohn said. The officer involved was initially assigned to desk duty during the investigation and later returned to full duty.

Scott Hart of Sumrell Sugg in New Bern represented the city of Wilmington and the police department. He could not be reached for comment.

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### SETTLEMENT REPORT – CIVIL RIGHTS VIOLATION

**Amount:** \$275,000

**Injuries alleged:** Facial injury, musculature injury, displaced fracture in the posterior



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**Attorneys for plaintiff:** Micheal Littlejohn Jr. of Charlotte and Abraham Rubert-Schewel of Tin Fulton Walker Owen in Chapel Hill

**Attorney for defendant:** Scott Hart of Sumrell Sugg in New Bern



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