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CRIME & COURTS

Number of protesters who have joined Charlotte police ambush lawsuit jumps tenfold

BY MICHAEL GORDON

UPDATED APRIL 12, 2023 6:05 PM



'They're all about to get gassed.' Video shows CMPD officers planning tear gas during protest





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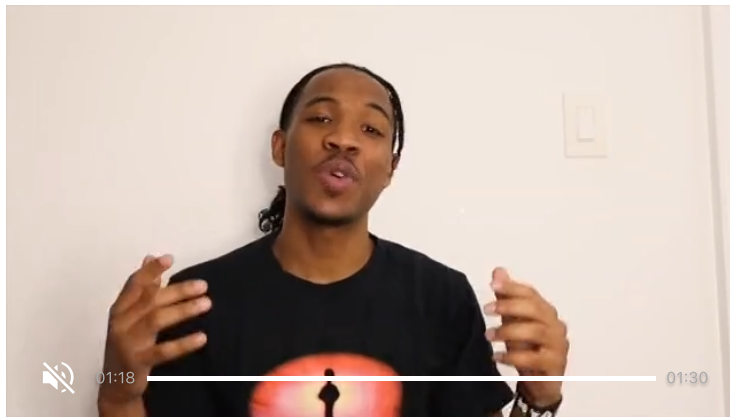
The number of names atop a lawsuit accusing police of violently ambushing hundreds of Charlotte protesters in 2020 has grown tenfold since the case's filing, [with more additions possible](#).

Where there were originally seven plaintiffs in the 2021 complaint against the City of Charlotte and the Charlotte-Mecklenburg Police Department, there are now 68.

Their ranks include a corrections officer, military veterans, ministers, an alternative newspaper publisher, and residents of at least six states.

All say they were among an estimated 400 peaceful marchers demonstrating on the night of [June 2, 2020](#), who were herded into a police trap on Fourth Street, then pummeled from three sides by tear gas, smoke grenades, pepper balls and other chemical munitions.

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The 2021 lawsuit filed under their names in the Mecklenburg County courts accuses CMPD of planning and executing an illegal show of force — built around the controversial crowd-control tactic known as “kettling” — to put an end to what had been almost a week of daily uptown protests over the Minneapolis police killing of George Floyd.

The complaint also holds the City of Charlotte accountable for the actions of its police.

Police initially defended their tactics, describing the Fourth Street marchers as rioters who had left a trail of violence throughout uptown and had ignored earlier orders to disperse. Then-Police Chief Kerr Putney claimed that there was “nothing to indicate whatsoever that there was intentional abuse on the part of our officers.”

However, the subsequent release of CMPD’s own videos revealed a plan by police to trap the marchers on Fourth Street.

Captured on the audio from his own body-worn camera, CMPD Sgt. Scott Sherwood offered a chillingly detailed description over what police had in store.

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BOOM Charlott return to pre-C

The popular fringe fest wil

“(Lt. Christopher) Rorie’s got a platoon on Tryon out of sight, (Maj. Robert) Dance’s platoon is staged now on College out of sight,” Sherwood told the officers under his command.

“We’re gonna push their ass straight up Fourth. As soon as we get up on Fourth, we got ‘em bottlenecked now. Rorie’s squad is gonna step out and hammer their ass. Dance’s squad is gonna step out and hammer their ass with gas ... We’re gonna f---n’ pop it up.”

Sherwood had one last command as the marchers walked by.

“Wave goodbye,” he said, “they’re all about to get gassed.”

The subsequent violence was captured on multiple videos, with the marchers trapped in a police crossfire of chemical munitions as other officers stationed on the second floor of a parking deck fired down from above.

Plaintiff Melody Rogers told The Charlotte Observer in 2020 that she and dozens of other protesters sat in the middle of Fourth Street and huddled against the police barrage.

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“We thought that it would make them stop,” Rogers says. “But they were shooting pepper balls at us, and they continued to throw tear gas.”

Edwin Walker, a Charlotte chef who has not joined the lawsuit, told the Observer in 2020 that he was among dozens of panicked marchers who tried to escape by shimmying under a locked security gate leading into the parking deck.

“That was the worst part,” he said. “You could hear the pop, pop, pop of the pepper balls, and you’re stuck under the gate. Nobody can move, and it was just horrific.”


The complaint accuses Sherwood, Dance, Rorie and Putney along with police Chief Johnny Jennings and more than 50 other CMPD commanders and officers of multiple civil violations, including negligence, assault and battery, false imprisonment and reckless infliction of severe emotional distress.

“The significance of this lawsuit is that it sends a message that it’s not OK to tear gas citizens who are exercising their rights under the Constitution,” said attorney Lauren Newton, one of at least 10 Charlotte lawyers representing the plaintiffs.

“Let’s be honest here. If this had been a women’s march about abortion and not police violence, the same result would not have happened.”

The plaintiffs are seeking monetary damages. How much money, if any, they receive would be determined by a jury if the case reaches a courtroom. Or the parties could reach a settlement, as two cities recently did in similar lawsuits filed by Floyd protesters alleging police violence.

Last month, [the city of Philadelphia](#) agreed to pay \$9.25 million to some 350 protesters who police assaulted with chemical munitions during a Floyd rally on June 1, 2020.



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Also in March, [the city of New York](#) agreed to pay up to \$6.5 million to 300 Floyd protesters who were kettled and beaten in the Bronx on June 4, 2020.

The city of Charlotte and the police department's legal position may have been complicated by an unlikely source: the mayor.

"Last night was one of those times that none of us can be proud of — that none of us would want to see happen in our city. But it did," Mayor Vi Lyles said on June 3, 2020. "And I hope everyone is aware that that's not the kind of department we want to have for policing. It's not the kind of reputation that we want to have nationally or locally."

The city of Charlotte did not immediately respond to an Observer email Wednesday seeking comment.

'A TEST CASE'

The attorneys for the Charlotte marchers have until the first of June to add more names to the complaint.

Should the lawsuit go to trial, most of the accusers initially would not be involved. Under an order by Superior Court Judge Robert Ervin of Morganton, who is handling the case, any trial would be conducted as a so-called "test case" involving only a few of the plaintiffs.

Any legal rulings or verdict there could be applicable to the other cases but would not determine their outcomes.

Ervin said that given the dozens of plaintiffs, holding one or more test cases would be a more efficient use of court time and resources, and would move the lawsuit

along more quickly than designating the case as a class-action complaint, which is what the plaintiffs' attorneys sought.

The expanded list of plaintiffs in the CMPD lawsuit shows the variety of Americans who were outraged over the May 25, 2020, murder of Floyd, an N.C. native who pleaded for his life while a Minneapolis police officer knelt on his neck for more than nine minutes.

The June 2, 2020 march in Charlotte — the sixth straight day of uptown protests — drew thousands to the center city.

The smaller group of marchers who wound up on Fourth Street later that night included dozens of Charlotte-area residents but also demonstrators from across the Carolinas and as far away as Texas, Wisconsin and New Jersey, according to the lawsuit.

Newton said the Fourth Street walkers were not “your typical activists.”

“You had moms and babies ... people from all walks of life who wanted their voices heard,” she said.

“Again, these actions were taken against people who were peaceful — ministers wearing their collars, ministers pulling off their collars because they couldn’t breathe.

“This stuff is a different level. This is like something from a Third World country. Not Charlotte, North Carolina.”

This story was originally published April 12, 2023, 1:11 PM.



MICHAEL GORDON
[Twitter icon] [Email icon] [Phone icon] 704-358-5095

Michael Gordon has been the Observer’s legal affairs writer since 2013. He has been an editor and reporter at the paper since 1992, occasionally writing about schools, religion, politics and sports. He spent two summers as “Bikin Mike,” filing stories as he pedaled across the Carolinas.

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- J jb 4 hours ago

well duh, surprise....free money and they are coming out of the woodwork. I was not affected because I stayed home.....no one deserves any money, perhaps only an apology

Reply 4 1 Share
- Z Zon 3 hours ago

They were attacked by the people that were sworn to protect them. Of course they are going to sue and rightfully so the City will pay. They are lucky the officers are not charged with assault, because that's what they did.

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1 reply
- W wg 4 hours ago

Protesters coming from Texas, Wisconsin, etc. for a peaceful protest in CLT? ANTIFA

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1 reply
- V V.S. 3 hours ago

They got what they deserved . That was no peaceful protest. CMPD's hand was forced.

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- B Blondey1 2 hours ago

Why from 6 different states? These ppl were paid protestors. Others out looking for trouble..some were there peacefully. Why not March in the daytime?? Why always the cover of night? We watched the protest on cable and some of it was definitely NOT peaceful. Rioting, destruction. I even called a lo...

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N

Neil123

...

2 hours ago

Hopefully this will identify them all so they can be arrested and charged and put in jail

We really need that riot bill to pass

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F

Freedom

...

3 hours ago

These "people" were not "protesters". They were criminals and rioters. The lawsuit will be dismissed.

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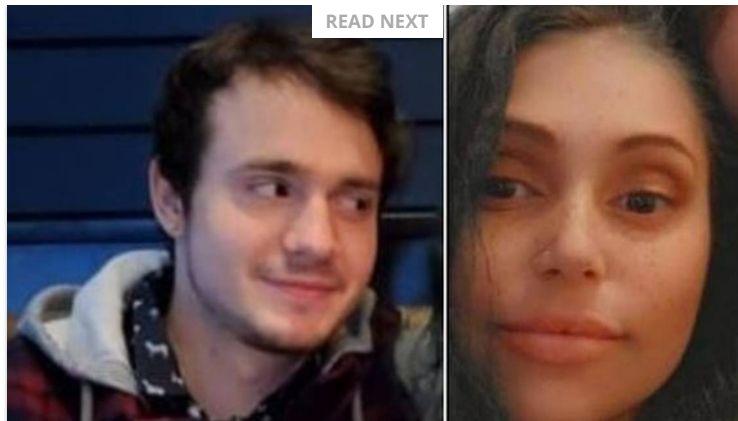
1 hour ago

1. Be a minority. 2. Act a fool, break the law, riot, cause a scene in a restaurant. 3. Get arrested/brutalized/feelings hurt/kicked out. 4. Cry racism. 5. Sue everybody involved. 6. Have the rest of your brethren march/protest/picket/boycott, etc. 7. Get paid.

It sure beats working f...

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