

## Questions linger in '08 death

**By Jason Anderson**

Posted Feb 27, 2014 at 12:01 AM

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Dr. Bennet Omalu conducted an autopsy on Daniel Lee Humphreys, who died July 26, 2008. Humphreys was tased by Officer Roberto Iniguez when he attempted to flee on foot after leading CHP officers on a high-speed pursuit that ended when he crashed his motorcycle on Interstate 5.

"There's a story behind this case," Omalu said in a sworn deposition dated Feb. 7. "When I did the autopsy, the entirety of the story was not revealed to me. ... At the time of the autopsy, what I was told was he was tased only twice."

About two years later, Omalu learned that Humphreys had been tased 31 times over a span of about 7 minutes and 30 seconds, according to the deposition.

“That changed the game for me,” said Omalu, who subsequently amended the cause of death from mild traumatic brain injury caused by the motorcycle collision to “repeated conducted electrical excitation.”

Attorney Peter Williamson is representing Humphreys’ daughters in a wrongful death lawsuit against the state of California and the California Highway Patrol. Williamson is seeking more than \$1 million in damages. The case is set for trial April 14, but there is a settlement conference scheduled for Monday, Williamson said.

Williamson is accusing the CHP, the San Joaquin County Sheriff’s Office and the San Joaquin County District Attorney’s Office of engaging in a cover-up. Each of those agencies is involved in a standard multiagency protocol investigation into Humphreys’ death, and all three were aware that Humphreys was tased more than twice before Omalu conducted the autopsy, Williamson said.

“I think all three are complicit in covering up the information and failing to disclose it to the medical examiner,” Williamson said.

Williamson said the officer’s actions were criminal, but the District Attorney’s Office has yet to rule whether the use of force was justified. Robert Himelblau, a spokesman for the District Attorney’s Office, said the report has not been completed because of pending litigation and a staff shortage in the District Attorney’s Office.

“I don’t think this is a murder, but it’s probably manslaughter,” Williamson said. “One of our theories - and I want to stress that this is a theory - is that they don’t want to charge the officer with a crime and they’re waiting for the statute of limitations to run out before they issue a report.”

Williamson said he doesn’t know when the statute of limitations will expire.

Melissa Humphreys, 24, said her father’s death and the ongoing investigation have shaken her faith in law enforcement officers.

“It just hurts to know that you can’t trust any of them anymore,” she said. “If they’re willing to cover up something as bad as this, what else would they do?”

The California Highway Patrol declined to comment, saying only that the matter is under review. The Sheriff’s Office and the District Attorney’s Office denied Williamson’s allegations.

“Cover-up is a pretty strong term to use, and I wouldn’t use that term lightly,” Himelblau said. “In this particular case, (Omalu) was given a certain amount of information at the autopsy itself, and then at a later time he was given further information, which then had an impact on his report, so what was withheld from him?”

Omalu said he had not yet completed his autopsy when Detective Brian Barnes, a member of the Sheriff’s Office who led the protocol investigation, visited him in his office.

“(Barnes) said, ‘Oh, the case has been closed. They determined that tasing was not involved,’” Omalu said. “And I was troubled by that. I said to him ... ‘How could you close a case without the autopsy report being completed?’ ”

Williamson said Iniguez stated that he tased Humphreys “a lot” in a recorded interview about five hours after the incident. The next evening, CHP investigators downloaded information showing how many times the Taser had been discharged, but that information was not given to Omalu, Williamson said.

“The number of times he was tased was very forensically significant,” Omalu said. “And (Barnes) said, ‘Well, they have determined that he was tased only twice.’ I asked him, ‘Could somebody give me a report?’ It was never given to me. I kept on asking for the report. ... No report was given.

“To be honest with you, I did not have a cause of death. I didn’t really have a reasonable cause of death. So I examined his brain. There was mild traumatic brain injury, so-called concussion, grade-one concussion. The blunt force trauma of his trunk and extremities were of no forensic significance. They were all superficial, ... but I couldn’t call it an undetermined cause of death because we had trauma. Concussions can kill. Concussions are very well established to cause sudden, unexpected death. So I put that in as my cause of death in the original report.”

Omalu said he changed the cause of death after receiving new information from Assistant District Attorney Tori Verber Salazar, “who may have suspected that some information (was) kept back from me.”

“(Verber Salazar) reached out to me and asked me ... if I had been made aware of a report from Taser. And I said, ‘No.’ She said she thought as much.”

Omalu amended Humphreys’ death certificate in July 2010, about two months after he received the Taser report.

In his sworn deposition, Omalu opined that the manner of death was homicide, noting that homicide is defined as death as a result of the actions of another human being. But Sheriff Steve Moore, in his role as coroner, concluded that the manner of Humphreys’ death was accidental, explaining Wednesday that Iniguez’s intent was to gain compliance and not to kill.

Williamson said it’s time for authorities to release their official findings, asserting that the District Attorney’s Office, the Sheriff’s Office and the CHP are committing “obstruction of justice.

“Those are harsh words, but I believe this was a crime,” Williamson said. “Those officers had an obligation to disclose that information to Dr. Omalu, and they failed to do so.”

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