

Family enters second round in police brutality case

By Chris Nisan ([Minnesota Spokesman-Recorder](#)) | April 27, 2006

“This case is about police lying,” said David Schulman to the *Spokesman-Recorder*. Schulman is an attorney for the family of Walter Kenyon Collins, a 21-year-old black man who was shot and killed in 2003 by Minneapolis Police Officer Jamie Conway. The second trial in the wrongful death lawsuit brought against the City of Minneapolis and Conway by Collins’ family began on April 20.

The first trial was conducted last October. Hennepin County District Court Judge Richard Scherer declared a mistrial when one juror said she was intimidated by a car that was parked outside of her home the night before jury deliberations were to begin.

Walter Collins’ killing was one of three high-profile cases that took place within the span of a week and a half where charges of brutality were leveled against police by victims, family and community members.

The case revolves around charges made by Collins’ family that Conway shot Collins in cold blood and that police officers and investigators for the Hennepin County Sheriff’s department attempted to cover up the killing by planting a gun that they claim belonged to Collins.

The City of Minneapolis claims that these charges are baseless.

In a brief to the court submitted last July, the Minneapolis City Attorney’s office argued that charges of police tampering with evidence were “baseless accusations...founded upon the fact that no fingerprints were found on the...pistol...and a mistake made in a statement given by a Minneapolis police officer.”

The Minneapolis City Attorney’s Office was contacted for comment on this article; a representative from the City’s Communication Office responded stating that the City could not comment on currently active litigation.

“I think it’s gone real well for our side so far,” said Collins’ father, Walter Bell. “They’ve been getting caught in a lot of lies.”

Family charges police harassment

Walter Collins’ family has also charged that Minneapolis police have harassed them in an effort to intimidate them into dropping their lawsuit.

In a letter of protest to the City Attorney’s Office, Schulman said that on March 30 of last year police harassed Walter Collins’ mother, Sara Collins, at her home. The letter says that police “entered Collins’ home allegedly because of a call concerning loud music. This reason was false, however. No loud music was playing, and the neighbors had not made any calls to complain of loud music.

“Because this is not the first time since the filing of the above-referenced lawsuit that City of Minneapolis Police Officers [have] manufactured reasons to stop Collins and her husband, Bell, we believe that the City’s Police Department has been stopping and questioning the couple for the purpose of intimidating them into dropping their lawsuit.”

During the March 30 incident, Sara Collins said that police searched through her legal papers and other personal effects.

“They cannot inflict more pain on us than they already have,” said Bell. “We’re not budging! A scared man can’t win, and a broke man can’t gamble.”

Walter Collins’ sister, Linda Collins, also said that she has been harassed by police.

“About a month ago, six squad cars pulled me over for nothing,” Linda Collins said to the *Spokesman-Recorder*. “They pulled me out of the car and forced me to the ground at gunpoint. They did not care that I am pregnant.” She said that police claimed she fit the description of a man they were looking for.

The incident and the court case

Walter Collins was killed in the early morning hours of October 10, 2003, on the lawn of the Phillips Eye Institute on the corner of East 22nd Street and Park Avenue South.

According to court documents, Walter Collins and his friend Chandan Hurd were driving northbound on Park Avenue when the truck they were in broke down. Officers Conway and his partner Charles Greaves pulled up on the two young men in their squad car and shined the car’s searchlight on them, at which point Collins began to run.

Conway got out of the squad car, chased Collins on foot and shot at him three times, hitting him once fatally.

Conway claims he shot Collins because he saw him with a gun. Conway also found a gun at the scene that he claims belonged to Collins.

In the brief cited above, the City Attorney's Office states that Greaves "chose to follow Collins based upon witnessing Collins shove something into the front of his waistband."

However, in his affidavit, Hurd testified that when the police approached both young men, they pulled up their shirts to show the officers that they were unarmed. Hurd also testified that he did not see Walter Collins with "a firearm, nor did he suspect that Collins was in possession of a firearm."

There were no fingerprints belonging to Collins on the pistol, according to forensic test. In addition, during the first trial, no other eyewitnesses, including Conway's partner Charles Greaves, could testify to seeing Collins with a gun at the time before or during the shooting.

Another inconsistency in the City's case, which came out during the first trial, was that surveillance camera footage from the Phillips Eye Institute, where the shooting took place, contradicts Conway's account of what happened on that night.

The footage shows that at no time did anything Conway describes in his testimony happen in the area where he claims the shooting took place, which is in full view of the cameras.

Another problem for the City, which arose out of testimony and evidence submitted in the first trial, is that the gun police alleged belonged to Collins and they found at the scene did not have a magazine clip (a cartridge in which bullets would be loaded) in it.

The magazine clip was found dozens of feet away from Collins body over three hours after the shooting took place, and after Hennepin County investigators and bomb-sniffing dogs had already searched the area for evidence an hour after the shooting.

Earlier video footage taken by investigators two hours after the shooting (in daylight) in the empty parking lot where police claimed to have found the magazine clip don't show the clip present. In addition, Collins' fingerprints were not found on the clip.

A police gun expert testified on April 23 that it would not be unusual for fingerprints not to be found on a smooth, shiny surface, such as that on a gun magazine clip, even if someone touched the object. The expert also testified that it would not be unusual for prints not to be found on a pistol that was touched because of rough and uneven surfaces on the gun.

However, police investigators did find Collins' fingerprints in several areas of the car he was riding in directly before the incident.

Family plans to fight for federal case

"We are fighting all the way for federal prosecution of Conway," said Bell in reference to question about the family's plans after the civil trial.

"I want people to know that they can fight. That just because they have a uniform and a badge don't mean you can't fight back — you can," said Sara Collins.

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