

NORTH METRO

Former Minneapolis cop sentenced for assaulting bar patron in Andover

Former Minneapolis officer David Clifford was sentenced for an off-duty incident at an Andover restaurant that severely injured another patron.

By David Chanen (<https://www.startribune.com/david-chanen/6370521/>) Star Tribune |

JULY 11, 2013 — 11:09PM

Former Minneapolis Police Sgt. David Clifford rose slowly from his chair. Facing the judge who would sentence him Thursday for an off-duty punch that severely injured another patron at an Andover restaurant, he choked up and said, "I was wrong."

He apologized to the victim, Brian Vander Lee, who stared at the floor as Clifford continued with his statement. He had let his family down and brought dishonor to his department, Clifford said. Whatever sentence the judge handed out, he would accept it and serve honorably.

Every day, Judge Lawrence Johnson told the packed Anoka County courtroom, people make mistakes. He believed that Clifford was remorseful, but that an officer's career places a premium on being calm and keeping emotions in check.

In the gallery, people leaned forward in their chairs as Johnson sentenced Clifford to three years and seven months in prison, half the recommended time for a first-degree assault conviction under state sentencing guidelines.

Clifford then turned to allow the sheriff's deputy to put handcuffs on him and take him away to jail.

The courtroom remained largely quiet. Vander Lee and his family were whisked out. Several of Clifford's colleagues were teary and shook their heads when the sentence was announced.

Anoka County Attorney Tony Palumbo said the case was difficult for his office to prosecute because his staff often works with law enforcement. He said that it was unfortunate that a police officer acted in a fit of anger and said that it was not a day for gloating.

Clifford, 48, will have to serve two-thirds of his sentence, or about two years and four months, and would be on supervised release for the remaining time.

Clifford had contended during his trial in April that he was acting in self-defense when he hit Vander Lee, 44, at Tanners Station in Andover on June 16, 2012. The incident was captured on a dark and sometimes grainy surveillance video.

Clifford testified that he approached Vander Lee, who was sitting at the next table, and told him to curb his loud and abusive language.

Clifford and his attorney, Fred Bruno, claimed Vander Lee, who was drunk, stood up, cocked his left arm and tried to throw a punch. Clifford punched Vander Lee, who fell backward and cracked his head against the outdoor patio floor. He had two immediate brain surgeries and a third within weeks of the incident.

Victim statements

Thursday's proceedings started with a victim impact statement from Vander Lee's wife, Kourtney. She cried as she described the weeks she spent by her husband's hospital bed as he lay in a coma. She wouldn't allow her four daughters to visit because "the person in that bed was unrecognizable."



Video (11:36): Surveillance video of Andover confrontation

"David Clifford was supposed to be a man of integrity," she said. "He almost killed a man."

Brian Vander Lee, overcome with emotion, asked prosecutor C. Blair Buccicone to read his statement. In it, Vander Lee said he no longer laughs as much with his daughters and is always on edge. He said he doesn't like to go out in public anymore and is struggling in his sales job at the Star Tribune. He has constant headaches, blurred vision and hearing problems. He's growing his hair long to cover the scars from his operations.

"I go out and people ask if I'm that guy," he said. "I didn't do anything wrong that day."

Attorneys' arguments

Prosecutor Robert Goddell argued that Clifford should get the seven years recommended by the state guidelines. He said Clifford didn't have to confront Vander Lee in the bar and called the "sucker punch" cowardly behavior.

"He never has taken responsibility for his actions," Goddell said. "It should fall on deaf ears if he now decides to take responsibility."

Bruno countered that Clifford should be sentenced to probation and provided statistics to show that judges make downward departures from the guidelines one-third of the time for first-degree assault convictions. He said Clifford has been punished because he no longer can be a peace officer and lost civil rights because he's a felon.

Bruno read reports about Clifford from a physician who determined he clearly had no intent to harm Vander Lee when he punched him and that Vander Lee wouldn't have fallen from one punch if he hadn't been drunk and off-balance.

"Every cop I have talked to said David Clifford is the last cop this should have ever happened to," Bruno said.

Both the Vander Lee and Clifford families declined to comment after the hearing.

Before that, as Clifford's wife, Kelly, left the courtroom, she walked near Vander Lee and said, "Don't have too much to drink."

Police work

Clifford, a SWAT team leader, was officially terminated from the Minneapolis Police Department shortly after his conviction April 13. He began work with the police force in 1993. He was nominated for the Medal of Honor and received seven other department awards, including two Medals of Valor and a Lifesaving Award. He suffered a gunshot wound in the line of duty, Bruno said.

Clifford was part of a botched drug raid in 2010 that resulted in the city paying a \$1 million settlement. He also received a letter of commendation for his work with the U.N. Mission in Kosovo and as an international police officer.

The last Minneapolis police officer sentenced to prison was Tim Carson, convicted of robbing an Apple Valley bank in 2010. At least two others have gone to prison since 1994.

Bruno raised a prison issue to Judge Johnson during Thursday's hearing. Clifford has a tattoo on his arm with the words "United We Stand" in Latin that is popular with police officers. "In prison, the tattoo is a death warrant," he said.

A corrections department spokesman said that as with any new inmate, officials will determine whether any special measures will be needed for Clifford's safety during his first stop at the intake facility in St. Cloud. Long-term measures include placing someone in a cell near a correctional officer work station that's manned 24 hours a day or sending a person to prison in another state.

Staff writer Mary Lynn Smith contributed to this report.



RICHARD SENNOTT, DML - STAR TRIBUNE

Former Minneapolis cop David Clifford, charged with assaulting Brian Vander Lee at an Andover bar, appeared in Anoka County courthouse

David Chanen is a reporter covering Hennepin County government and Prince's estate dealings. He previously covered crime, courts and spent two sessions at the Legislature.

dchanen@startribune.com 612-673-4465



JERRY HOLT, DML - STAR TRIBUNE

Anoka County attorney Tony Palumbo talked about the sentencing of former Minneapolis police officer David Clifford at the Anoka County