

Unarmed Moose Lake man who was shot by deputy and paralyzed wins \$6.2 million settlement

RANDY FURST SEPTEMBER 28, 2020

A 35-year-old unarmed man who was shot by a sheriff's deputy and paralyzed in Moose Lake, Minn., in 2019 settled a federal lawsuit Monday for \$6.2 million.

It could be the largest payout over alleged law enforcement misconduct in greater Minnesota.

Settlements over officer misconduct in the Twin Cities metro area have exceeded \$6 million several times, but such settlements elsewhere in the state have rarely, if ever, exceeded \$2 million.

In the settlement, Carlton County did not admit to any culpability.

Shawn Olthoff said he was happy to get the case behind him.

"No amount of money can ever bring back my life," he said in a telephone interview Monday. He is now in a wheelchair.

Olthoff was shot twice on July 29, 2019, when a team of officers from several jurisdictions raided the mobile home where he was living with his mother in Moose Lake. Three law enforcement agents involved in the raid said in interviews afterward with the state Bureau of Criminal Apprehension (BCA) that Olthoff was unarmed and raised his hands in the air when ordered to do so.

But the fourth officer, Carlton County sheriff's deputy Jason Warnygora, shot Olthoff, saying in interviews that he saw Olthoff with a handgun. No weapon was found in the mobile home.

Warnygora also told a BCA investigator that he had consumed two beers at noon that day, before later saying he did so at 1 p.m., according to the lawsuit.

Court records indicate Olthoff has a criminal history, including convictions for burglary in 2003, fleeing an officer in 2011, third-degree assault in 2014 and fifth-degree assault in 2016.

Robert Bennett, Olthoff's attorney, said the shooting was unjustified. He also noted that Warnygora knew he was going to be a participant in the raid and should have opted out of the assignment because he had been drinking.

"It is unconstitutional for an officer to shoot a complying suspect," Bennett said. "You have the underlying fact that Warnygora consumed alcohol hours preceding the arrest and shooting."

In a statement, the county said the settlement does not "assume fault by any of the named parties." But it acknowledged that by agreeing to the payout it "avoids exposing the taxpayers of Carlton County to a potential verdict significantly higher than the settlement along with payment of Mr. Olthoff's attorneys' fees."

'He's got his hands up'

Officers from multiple departments organized the raid to arrest Olthoff two days after he allegedly fled and pointed a gun at a Carlton County deputy during a traffic stop. Deputy Justin Jokinen, who pulled the car over, said he saw a "male point what I believed to be a handgun at me."

Law enforcement called in to search for the man did not find him, but they found a holster with 9-millimeter ammunition and Olthoff's cellphone.

When officers went to the mobile home to arrest Olthoff, he was asleep on the couch. His mother, who was escorted from the home, reiterated that her son was unarmed, according to the lawsuit.

Officers entered the mobile home and Cloquet police officer Nate Cook fired a flash grenade. Cook said Olthoff lifted his hands and then he heard two gunshots.

Darrin Berg, another Cloquet police officer at the raid, relayed a similar experience to a BCA investigator, saying he was "kind of taken back by the whole thing" because he didn't see a gun.

Warnygora said he saw Olthoff's "left hand holding a gun swinging toward himself, Officer Cook and Detective Berg" and then heard a pop or ring.

The county defended the officers' actions. "The shooting took place under rapidly occurring and dynamic circumstances in which the shooting officer reasonably believed officers were taking fire from an individual who had pointed a firearm at a law enforcement officer just two days prior," it said in a statement.

Warnygora told the BCA after the shooting that he'd had two beers around noon, and then later said "he may have consumed the beers around 1 p.m." No alcohol was found in his blood when he was tested 3½ hours after the shooting.

The suit said that Warnygora was not disciplined for his actions or for drinking before participating in the raid. No charges were filed in the shooting. Attorney Joseph Flynn, who represented the county, said in an e-

mail "there was zero evidence that alcohol was in his system or had any impact whatsoever on the events that day." He said that an internal affairs review of the shooting was not yet final.

Olthoff, whose medical expenses so far amount to \$200,000, still faces criminal charges of assault for pointing a gun at an officer.

A state intergovernmental trust fund that helps counties cover insurance claims will pay \$2 million of the \$6.2 million settlement.

<https://outline.com/7NCVDW>

[COPY](#)

[Annotations](#) · [Report a problem](#)

Outline is a free service for reading and annotating news articles. We remove the clutter so you can analyze and comment on the content. In today's climate of widespread misinformation, Outline empowers readers to verify the facts.

[HOME](#) · [TERMS](#) · [PRIVACY](#) · [DMCA](#) · [CONTACT](#)