

INDPLS
NEWS

Picture of
32 cal. gun by
police car

3-22-96

Verdict may mean new investigation

By James A. Gillaspay
and Susan Schramm
STAFF WRITERS

U.S. Attorney Judith Stewart pledged Thursday to review evidence and testimony after jurors in a civil trial awarded \$4.3 million in damages to the mother of Michael H. Taylor.

Taylor, 16, was shot in the head Sept. 24, 1987, while his hands were cuffed behind his back in the back seat of an Indianapolis Police Department car. Taylor, who was arrested for allegedly trying to steal a car, died the next day.

His mother, Nancy Taylor, sued the city of Indianapolis and patrolmen Charles F. Penniston and Edwin M. Aurs.

Police contend Taylor shot himself with a gun hidden in his high-top athletic shoe.

Jury forewoman Bonnie Andrews stopped short Thursday of accusing police of murder but said, "He died as a result of being in the back of a police car, and it was not of his own hand. Let people read that the way they want."

The jury's findings peg officers

■ Nancy Taylor wants to return to a normal life after her long quest for justice. Page A-2.

■ Blacks in Indianapolis say the decision renews their faith in the justice system. Page B-2.

Penniston and Aurs as suspects in a possible murder conspiracy. The officers were involved in the arrest and transport of Taylor to the juvenile center.

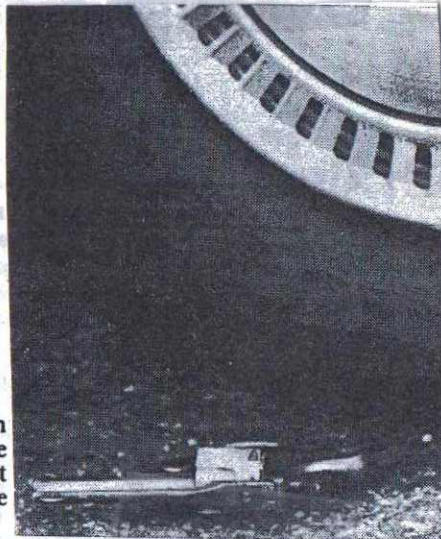
Stewart said Thursday a criminal investigation into the case could be reopened.

Investigations by Indianapolis police, the FBI and the Marion County coroner concluded Taylor committed suicide.

Marion County Prosecutor Scott Newman, joining Stewart in seeking a review of the case, said Thursday an examination by federal authorities would remove any hint of bias by county investigators.

"I think it's a finding that's significant enough to warrant taking a serious look," Newman said of the jury's verdict.

Evidence federal investigators likely will pursue includes claims by two witnesses in the five-week



KILLED IN CUSTODY: Michael Taylor, 16, died after being shot while handcuffed and sitting in a police car.

trial in Hancock County that police had a hand in Taylor's death.

The six-member, all-white jury of five women and one man reached its verdict about 5 a.m. Thursday, after nearly 12 hours of deliberation.

"We simply did not buy the fact that Michael Taylor committed suicide," said Andrews, a Greenfield utility department employee. "He obviously didn't die of a car accident or cancer. And he had a

See VERDICT Page 2

gunshot wound. Somebody had to have shot him.

"We were asked to do a job, and we did the job the best we could, based on the evidence that we were given. People may not agree."

Andrews said the jury was not swayed by testimony of a witness who said a firefighter told her he overheard a policeman saying other police officers shot Taylor. Nor did jurors give much credibility to an inmate in an unrelated case who claimed he saw police shoot Taylor in one car, then place his body in Penniston's cruiser.

Penniston, who denied shooting Taylor, testified Taylor apparently shot himself after they arrived at the Marion County Juvenile Center at 25th Street and Keystone Avenue.

Penniston and Aurs, who arrested Taylor in the 300 block of South East Street, were suspended a day with pay because they didn't find a .32-caliber pistol police say Taylor used to shoot himself when they searched him.

Andrews acknowledged that friends saw Taylor with a handgun before his arrest and that Taylor told them he would kill himself before he would go back to jail. He was scheduled to be sentenced Sept. 28, 1987, on an auto theft conviction.

"I guess the bottom line is that, no, we don't feel the gun that was used was necessarily the gun that he was seen with," she said.

Jurors unanimously rejected forensic evidence presented by city attorneys, Andrews said.

"We just simply did not buy the tests that the defense felt were infallible. To us, there was physical evidence that said he did not commit suicide. And if he didn't commit suicide, somebody had to shoot him."

Such tests included a videotaped demonstration of how the gun could have been hidden in Taylor's shoe, how he could have reached it and pointed it at his head while being handcuffed, and

How do you think the Indianapolis Police Department will be affected by the judgment in the lawsuit over Michael Taylor's death? Call (317) 624-4636 and press category 1066. Please leave your name and phone number. Some comments may be used in a future story.



how seepage from the car could explain the absence of much blood in Penniston's car.

Nancy Taylor described the verdict as vindication for herself and others who never believed her son killed himself.

Andrews said she and other jurors agreed with the Taylor family's attorney, who maintained that the police account made no sense and more likely was an attempt to cover up the truth.

Like attorney John O. Moss, she said jurors focused on discrepancies in the testing and in the timing of events as described by police.

Moss suggested Taylor was shot somewhere else, and police lied about the sequence of events in his arrest to explain away the shooting.

He told jurors in closing arguments Wednesday to note evidence that it took Penniston about 15 minutes to drive out to Taylor's arrest location from the juvenile center, but only seven minutes to return in rush-hour traffic and report to dispatchers that Taylor had been shot.

The jury found that Aurs and Penniston violated Nancy and Michael Taylor's constitutional rights by using deadly force and that the officers and the city were negligent in failing to protect Taylor from harm.

The panel awarded about \$2.1 million in compensatory damages, \$1 million in punitive damages and about \$1.2 million on the question of negligence.