

Clayton tries to avert sheriff's lawsuit cost

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In the wake of a \$475,000 judgment against outgoing Clayton County Sheriff Victor Hill, lawyers are preparing to battle over where the money will come from.

The U.S. District Court jury's award was announced Monday and holds Hill responsible for the January 2005 false arrest of Mark Tuggle, the brother of Hill's predecessor. The jury dismissed Tuggle's claim of malicious prosecution.

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Clayton County Commission Chairman Eldrin Bell said he hopes to limit the county's exposure.

"We intend to ask for a reduction in the judgment," Clayton Commission Chairman Eldrin Bell said Tuesday. "And we are also asking our attorneys if there are areas where the county does not have to be responsible in this and we want those areas identified."

Tuggle's attorney, Bill Atkins, said he expects commissioners to balk at the payout.

"The county has been living under the mistaken notion they can walk away from this because he's a state official," Atkins said. "But they never raised that defense, and the judge told the jury that Hill was a county official." Atkins said he'll also seek more than \$100,000 in attorneys fees from the county.

When Hill succeeded Stanley Tuggle in January 2005, he fired 27 deputies the first day. Those workers were reinstated within days but sued Hill alleging wrongful termination. That suit was settled last summer for about \$7 million.

Bell said the settlement exhausted the county's insurance coverage."

Hill's term ends Dec. 31, but several federal lawsuits are still pending against him.

Hill's attorney, James E. Dearing Jr. of Atlanta, who is paid by the county, said he thinks Hill's public persona hurt the sheriff in the latest case.

"I just don't think the facts showed that the sheriff had any direct involvement in Mr. Tuggle's arrest or had any malice toward him," said Dearing. "For 3 1/2 years, Sheriff Hill has been a very newsworthy figure and I think that was more on trial here."

Hill has not decided whether to appeal, Dearing said.

Mark Tuggle called Hill's office twice on Jan. 3, 2005, to ask for a meeting with him to discuss the firings, and referred to Hill as a "short little [expletive]" in one and "lowdown scum" in the second. Hill said his staff considered the name-calling a threat so Tuggle was arrested for harassing phone calls.

But the Clayton State Court solicitor general did not find the calls threatening and the case was dismissed seven months later. Meanwhile, speculation that Hill has essentially stopped working since his re-election

defeat prompted Gov. Sonny Perdue to name a three-person panel to investigate. Hill hasn't commented, but his chief deputy, John Gibson, this week said his boss is doing "business as usual."