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**SHERIFF LOU VALLARIO
GARFIELD COUNTY, COLORADO**

NEWS RELEASE

For Immediate Release

May 11, 2010

Tenth Circuit Court of Appeals Upholds Garfield County Sheriff's Office

GARFIELD COUNTY, Colo. – Today, the United States Court of Appeals for the Tenth Circuit ruled in favor of Garfield County Sheriff Lou Vallario in the case of Adam Burke vs. the Garfield County Sheriff's Department. Circuit Judges Lucero, Porfilio and Murphy issued their decision without an oral argument and upheld Judge Babcock's July 13, 2009, district court dismissal of a case involving claims of excessive force in the Garfield County Jail.

Adam Burke, the plaintiff-appellant and previous inmate, had appealed a lower court's dismissal of two incidents in which he felt his civil rights were violated while incarcerated at the jail. In the July 2009 case, Mr. Burke alleged that Garfield County Jail staff improperly used pepperball devices and a restraint chair to contain him.

In both district and appellate court, the judges determined his generally-stated and delinquent grievances – submitted several months after the alleged incidents – showed Mr. Burke's failure to exhaust all available administrative remedies as required by 42 U.S.C. § 1997e(a). The judges further ruled Mr. Burke's complaints did not substantively constitute a proper grievance in that there was not a specific reference to the incident dates or factual circumstances.

As of this news release, every similar lawsuit that has been ruled upon has been dismissed. Sheriff Vallario and his staff have never been held liable for any wrongdoing in the operation of the county jail due to their consistent application of all respective regulations and policies.

Mr. Burke currently resides in a state Department of Corrections facility for unrelated charges.

The mission of the Garfield County Sheriff's Office is to provide solutions for the people by utilizing and employing strong morals, good character, untarnished integrity, technical knowledge and fiscal responsibility through professional, ethical and equitable conduct.

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