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**SHERIFF LOU VALLARIO**  
**GARFIELD COUNTY, COLORADO**

## **NEWS RELEASE**

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For Immediate Release

August 5, 2010

### **US District Court Rules in Favor of Garfield County Law Enforcement**

GARFIELD COUNTY, Colo. – On July 30, 2010, United States District Judge Marcia S. Krieger granted summary judgment in favor of all defendants named in a civil suit (No. 08-cv-02626-MSK-CBS) brought by plaintiffs Marco and Shelley Carani. Among the defendants listed were Sheriff Lou Vallario and former Jail Commander Scott Dawson.

The lawsuit stemmed from a November 2007 incident involving the Rifle Police Department's arrest of Ms. Carani and her subsequent weekend incarceration in the Garfield County Jail.

On Friday evening, November 2, 2007, Ms. Carani was booked into the jail for alleged domestic violence charges. She remained incarcerated until her court appearance the following Monday afternoon, where the charges against her were dropped.

The portion of the lawsuit naming Lou Vallario and Scott Dawson relates to Ms. Carani's complaint that the conditions of her confinement were unconstitutional as based upon the 8<sup>th</sup> Amendment's Cruel and Unusual Punishment clause and the 14<sup>th</sup> Amendment's Due Process clause. Ms. Carani's grievances included: 1) the cell was overcrowded, 2) not enough privacy while using the toilet, 3) no opportunity to shower, 4) sleeping on a floor mattress aggravated her back, 5) the food was horrible, 6) she did not promptly receive her book or remaining medication, 7) she began nicotine withdrawal due to not being able to smoke while in the jail and 8) she had to remain barefoot in her cell.

The summary judgment stated that the Court found "none of the conditions cited by Ms. Carani, individually or in concert, constitute conditions that could be said to amount to unconstitutional punishment." It further stated that her experience in the jail "fails to rise to a constitutional deprivation, particularly in light of the very brief period she was detained." The finding concluded by stating, "The circumstances of Ms. Carani's confinement were no more restrictive than conditions commonly found in jails and prisons across the country."

In similar fashion to the recent May 11<sup>th</sup> decision by the Tenth Circuit Court of Appeals and previous court rulings, this episode is just one more example of an unwarranted lawsuit filed against the Garfield County Sheriff's Office. And once again, Sheriff Vallario chose to defend

his actions rather than take the easy way out in cowering to plaintiffs in costly settlements. This ruling by a U.S. District Judge adds one more victory to the Sheriff's perfect record when it comes to the dismissal of frivolous lawsuits.

*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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