

November 12, 2020

Memo to: Sgt Melvin McCleave, Lincoln County Sheriff's Department

From: David M. Black, Attorney, Lincoln County Bar



On Tuesday November 10, 2020 at or about 10:00 am I left courtroom No. 1 on the second floor of the Lincoln County Courthouse and was walking towards the steps on the South end of the building when I observed Deputy Mike Wilkinson sprinting up the steps and proceed to the third floor. I could hear high pitched screams coming from the third floor and I followed behind Deputy Wilkinson at a normal pace.

When I arrived on the third floor Sgt Melvin McCleave and Sgt James Allen of the Sherriff's Department were restraining a young white male on the floor with Sgt Allen holding the man by the shoulders as he laid on his stomach with Sgt McCleave grasping his wrists in what appeared to be an attempt to bring his hands behind his back to restrain him with handcuffs. Deputy Wilkinson used a set of leg shackles to attach to the man's ankles. Sgt's Allen and McCleave were able to control the subject by holding him down despite his constant attempts to squirm and maneuver his way across the floor. It appeared the subject was acting under the influence of some delirium brought on by a source unknown to me.

Once he was cuffed and shackled, he appeared to calm down to some extent and Sgt Allen carefully maneuvered him to a sitting position. The subject was wearing a mask and appeared to be bleeding from the mouth which was evident from the blood in the center of the mask which was positioned properly covering his nose and mouth. He continued the high-pitched screaming and Sgt Allen was gently patting him on the shoulder telling him to calm down. He was not using loud commands but was speaking softly between his screams in an obvious attempt to lessen whatever stimulus causing the subject to thrash about and scream. While sitting in the floor, the subject suddenly jerked to his left, planted his face in the carpet and squirmed several feet toward the corner of the area, some three feet across the carpet. When he was pulled from the corner, he turned his head to his left exposing a carpet burn on his face below his left eye that was not present when he was sitting in the floor.

No officer struck the subject or pushed his head into the floor at anytime that I observed. It is my opinion that they used the minimum amount of force necessary to keep the subject from thrashing about on the floor. I heard the subject say "get off of me" one time, but otherwise heard nothing but the constant high-pitched scream with every exhale. I stayed beside the subject within a few feet until the EMS arrived on the elevator, except for about two minutes to retrieve some thick black gloves from courtroom No. 1 on the second floor.