

Charges Dismissed Against Trooper

Daily News-Record (Harrisonburg, VA) - May 12, 2005

Law Officer Cleared Of Assaulting Teen With His Cruiser

By DAVID REYNOLDS

Daily News-Record

A judge dismissed the case against a Virginia State Police trooper accused of hitting a college student with his car in January.

Trooper Kenneth B. Highland, of Elkton, was indicted in March for assault and battery, a misdemeanor. The grand jury considered an indictment for attempted malicious wounding, a felony, but did not pursue it.

Highland was posted in Rockingham County, but was suspended without pay after he was indicted, his attorney said.

Charges stemmed from the pursuit of Randolph Clay Murphey V, 19, in January. The student collided with Highland's patrol car while running from police, authorities said.

John Holloran, Highland's attorney, says the trooper was trying to block Murphey's path with his car.

Murphey wasn't seriously injured.

He was charged with underage intoxication. That charge was not prosecuted, according to court documents.

Acceptable Conduct

Holloran said he wasn't surprised the case against Trooper Highland also was dismissed.

"Everything he had done was done while he was in uniform and during hours of duty," Holloran said.

The case had been scheduled for a jury trial, but took a turn last week.

Albert Mitchell, commonwealth's attorney for Shenandoah County and a special prosecutor in the case, said he discovered the defense planned to use an expert witness from the Virginia State Police.

That witness, Holloran said, would testify that Highland's actions were consistent with police training.

"State police are essentially trained that you use anything you have to, to effect an arrest," Holloran said. "Whether it's blocking a fleeing suspect with a vehicle or tackling them from behind. It's an instantaneous decision they make on the fly."

Facing that testimony, Mitchell said, on Friday he asked the judge to set aside the case with the possibility of bringing it back within a year.

"I could not proceed with the prosecution, knowing that there was a conflict concerning relevant facts," Mitchell said later.

Judge Dennis Hupp went a step further, though, and dismissed the case.

That the victim did not press charges also complicated the case, Mitchell said.

Contact David Reynolds at 574-6278 or reynolds@dnronline.com

- Record: 10ABB6A464081A2A
- Copyright: Copyright (c) 2005, Byrd Newspapers, All Rights Reserved.