

Fed appeals court allows Kansas excessive force lawsuit to proceed in death of juvenile

By **TIM CARPENTER**
Kansasreflector.com

TOPEKA — A panel of U.S. Court of Appeals judges agreed with a lower court that Sedgwick County juvenile detention personnel couldn’t sidestep an excessive-force lawsuit filed against them after a teenager in mental distress was held in a face-down restraint until he suffered cardiac arrest and later died.

In September 2021, Cedric Lofton, 17, became unresponsive while restrained by five officers at the Juvenile Intake and Assessment Center. He had been placed in a prone position, which means face down, on a holding cell floor for nearly 40 minutes with officers’ weight applied to his back. Lofton was resuscitated after an officer noticed he wasn’t breathing. He never regained consciousness and died two days later at a hospital, the court record says.

Court of Appeals Judges Richard Federico, Carolyn McHugh and Allison Eid of the 10th Circuit affirmed the district court ruling declaring the corrections officers weren’t entitled to qualified immunity or summary judgment in the suit filed by Lofton’s estate.

“A reasonable officer would have been on notice that continued application of pressure after Mr. Lofton was subdued created a serious risk of asphyxiation and death, even if he was still verbalizing threats,” the three-judge panel said in a decision released Monday. “Under those circumstances, it is clearly established that a continued prone restraint is unconstitutional.”

Before the involvement of Wichita law enforcement officers, the court record says, Lofton was taken by a foster parent to a clinic for a mental health evaluation. Lofton ran away from the facility but later returned home. On advice of the Kansas Department for Children and Families, the court record says, foster parent Tanea Randolph called Wichita police.

Wichita police officers said Lofton was hallucinating, and the decision was made to transport him to St. Joseph’s Hospital for in-

voluntary hospitalization. A struggle ensued outside the foster home, and Lofton was arrested for battery of an officer.

Lofton was taken to the Juvenile Intake and Assessment Center, where he engaged in physical altercations with corrections officers. In view of surveillance cameras, five Sedgwick County juvenile officers held the 135-pound Lofton in a prone position for nearly 40 minutes until he suffered a heart attack. He was revived by officers before being transported to Wesley Medical Center, where he subsequently died.

An autopsy indicated the death — ruled a homicide — was associated with complications of cardiopulmonary arrest amid a physical struggle and while held in a prone position, court documents said.

Lofton’s brother, Marquan Teetz, filed a federal lawsuit in 2022 alleging personnel at the juvenile facility engaged in excessive force. Attorneys for the officers sought dismissal of their clients from the case based on the premise the officers were shielded from liability for constitutional acts.

Eric Melgren, chief judge of the U.S. District Court of Kansas and an appointee of President George W. Bush, denied the motion and concluded surveillance footage could support Teetz’ claim that excessive force was sustained after Lofton stopped resisting. The judge said a jury ought to decide whether officers conducted themselves within constitutional boundaries or relied on unconstitutional force.

On appeal, lawyers for the officers asked the U.S. Court of Appeals to reverse the district court judge. Defense counsel Jeffrey Kuhlman argued Lofton wouldn’t have died if he hadn’t resisted commands of officers in a manner that resulted in exposure to “an air deficit.”

Inside the juvenile facility, Lofton allegedly punched a corrections officer in the face and held another in a chokehold before being restrained by defendants Jason Stepien, Brenton Newby, Karen Conklin, William Buckner and Benito Mendoza. Conklin performed CPR on Lofton before his transfer to a hospital.

The three-judge panel said it was reasonable to conclude there were circumstances in which application of pressure to a subdued person’s back while in a prone position on a solid surface was excessive.

“This may include situations where the suspect continues to resist to some degree, physically or verbally, but no longer poses a risk of serious harm or injury due to the restraints,” the panel said.

McHugh, an appointee of President Barack Obama, wrote in the opinion that the district court calculated Lofton was not “meaningfully resisting” correction officers for at least 12 minutes while held in the prone restraint.

“Defendants had sufficient control over him,” she wrote. “At that point, a reasonable officer would have perceived the threat had passed and that the use of deadly force was no longer reasonable. Instead, five officers continued to subject Mr. Lofton to a prone restraint while his legs were restrained and he appeared not to move for prolonged periods.”

McHugh added: “We therefore conclude defendants violated Mr. Lofton’s Fourth Amendment rights not just by using excessive force, but by using deadly force well past the point a reasonable officer would have perceived any serious threat to his physical safety had passed.”

During the episode at the juvenile detention facility in Wichita, Lofton was in temporary custody of the facility. The Wichita Police Department retained legal custody of the teenager. Lofton apparently went into cardiac arrest while juvenile officers were attempting to contact Wichita police to request they retrieve him.

In addition to the five corrections officers, defendants in the lawsuit include the Sedgwick County Commission and the city of Wichita.

In 2022, Sedgwick County District Attorney Marc Bennett declined to file criminal charges in the Lofton case. He said corrections officers acted in self defense and that “these folks are protected by Kansas law.”

Sheriff

FROM FRONT PAGE

Swift water teams and KDWP operated equipment and personnel in very dangerous conditions throughout the day and early evening.

These teams systematically searched the Neosho River, with boats equipped with sonar, from the scene south to the Neosho Wildlife Refuge. Swift water personnel physically entered the water to probe a specific area. KHP provided air support to search the river from the scene to US 400 Hwy.

This morning, although the river is still high and has a swift current. It is approx. 10 feet lower than it was when the search began. The Sheriff's Office began searching this morning and a large number of resources and first responders from multiple agencies are returning today to assist with the search.

In addition to all the first responders, I want to thank the landowner who has allowed us access to his personal property and boat ramp, as well one of our local citizens who assisted with a drone the first two days of the search. I also want to thank the community and businesses who have provided us with support.

Greg Taylor - Sheriff

Wednesday, June 18

On 06/18/2025 at approx. 12:39, the Neosho County 911 Center received a report from the Union Pacific Railroad that two individuals had been struck on the Railroad Bridge south of Erie near 115th Rd. The Sheriff's Office, EMS, and members

Lawsuit

FROM FRONT PAGE

On receipt of the collection letter, Miller informed the council she, nor Richard Hines, would be able to provide legal assistance as the Hines Law Office has also provided legal advice to the Mahurins in the past. Miller informed the council Hines Law Office would not be representing either side moving forward.

The city has 21 days to respond to the civil lawsuit, Under Kansas Supreme Court Rule 113, the city (defendant) may seek from the clerk of the court an extension up to 14 additional days to serve and to file an answer. The city was expecting to request the extra 14 additional days as the city’s next scheduled meeting is July 14. The city does have a special meeting scheduled for July 9 (annual city audit review).

In Paragraph 4 also of Page 2, the document states, “The Defendant is obligated to pay the remaining 5% (sic) of the gross sales for the remaining 10-year period and to keep a business in that building. The Defendant has failed to do so and owes the Plaintiffs based upon the average of the funds paid of \$5,439 for the remaining years on the Purchase and Sales Agreement in the amount of \$38,073.”

Going into Additional Details

From the original collection letter:

“Consider this letter a demand for the remaining balance of \$5,439 per year for the additional seven years of the contract for a total of \$38,073. This needs to be paid within 30 days from the date of this letter (April 8, 2025). In the event of failure to pay said amount the Seller (Mahurins) has authorized this office to file suit to collect the same plus all other costs that may be associated therewith.

“Please govern yourself accordingly.”

In Article II of the original contract between the Mahurins and the City of Erie reads: “The purchase price for the sale and transfer of the Business and Assets from Seller to Buyer shall be the aggregate sum of (a) \$300,000, plus (b) an amount equal to the Value of the Inventory, currently estimated at approximately \$100,000, and an amount equal to .5% of the gross sales of the Business for a term of 10 years, collectively (“the Purchase Price”).

In Article III, Section B, the contract reads: “Thereafter, on or before Jan. 30 of each year, beginning January 2022, Buyer shall pay to Seller an amount equal to .5% of Buyer’s gross sales from the Business for the year proceeding.”

**WRT FLMLE TG
REZMDV GMQ.**

To a child unable to read, this is how it feels to look at written words. We salute teachers in our community for helping kids make sense of their world.

THE ERIE RECORD



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SHERIFF’S REPORT

Weekly Deputy Activity Report

06/16 Incident report; 402 E. State, Erie.

06/16 Traffic stop; K47 Hwy. and 2nd, St. Paul. Cited the driver, Jarod Pile, 49, Pittsburg, for speeding and no proof of insurance.

06/17 Agency assist; 70th and Gray, Galesburg.

06/17 Traffic stop; K39 Hwy. and Harper, Chanute. Cited the driver, Duskin Dinkle, 15, Chanute, for speeding and driving without a valid license.

06/18 Incident report; 115th Rd. .1 mile north from railroad crossing, Erie.

06/18 Two vehicle injury ac-

cident report; 5th and K47 Hwy., St. Paul.

06/19 Car/deer accident report; U59 Hwy. .5 mile south from 135th, Erie.

06/20 Car/deer accident report; U59 Hwy. .1 mile south from 120th, Erie.

06/20 Car/deer accident report; U59 Hwy. .4 mile north from 190th, Erie.

06/20 Car/deer accident report; K39 Hwy. .4 mile west from Kiowa, Chanute.

06/21 Car/deer accident report; U59 Hwy. .3 mile north from 240th Rd., Stark.

06/22 Car/deer accident report; 160th Rd.1 mile west from Liberty, Chanute.

The ERIE RECORD

With next Friday being the Fourth of July, The Erie Record will likely be printed a day early next week, though as of press time this week, that has not been confirmed. If you have anything for next week’s edition, please submit it Monday, June 30. If you have questions, please email erierecord@hotmail.com or call (620) 244-6030 (voicemail doesn’t always work).

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