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San Mateo County man who park ranger shot with Taser files civil rights lawsuit

By Joshua Melvin
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OAKLAND -- A San Mateo County man filed a federal civil rights lawsuit Thursday against the National Park Service ranger who shot him with a Taser during a confrontation sparked last year by his off-leash dog.

Gary Hesterberg, 51, alleges Ranger Sarah Cavallaro violated his Fourth Amendment right protecting against unreasonable force during arrest when she zapped him on a trail at Rancho Corral de Tierra open space near Montara.

Hesterberg had ignored Cavallaro's orders not to walk away after she stopped and warned him about having one of his two small dogs off-leash Jan. 29, 2012. The area had recently come under control of the National Park Service which started forbidding free roaming dogs there. Some residents, dog owners and Rep. Jackie Speier, D-Hillsborough, were outraged by the use of force.

"A law enforcement officer is only allowed to tase someone if they pose a substantial and immediate threat," said Hesterberg's attorney, Oakland-based attorney Michael Haddad. "But in this case she tased him because he started to walk away."

Cavallaro, who transferred to the Grand Canyon after the incident, was cleared of any wrongdoing, National Park Service spokesman Howard Levitt said. But the investigation was never made public due to federal worker privacy laws. Levitt declined further comment on the suit, which he said he hadn't seen.

Hesterberg, of Montara, claims the ranger ignored his questions about who she was and which agency she worked for.

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As the confrontation escalated, Hesterberg said "Do not tase me. I have a heart condition," according to the lawsuit.

He also says he gave her his real name during the incident, which contradicts authorities allegations he gave a false one.

Finally Hesterberg says the ranger yanked the razor-sharp darts from the shock weapon out of his back as he lay handcuffed on the ground. Prosecutors declined to file any charges against him.

Though Hesterberg sought a \$500,000 settlement from the park service in an earlier claim he filed against the government, there is no dollar figure tied to the lawsuit.

"We'll leave that up to the judge and the jury," said Haddad.

Contact Joshua Melvin at 650-348-4335. Follow him at [Twitter.com/melvinreport](https://twitter.com/melvinreport).

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 **David Larkin** · Top Commenter · San Francisco, California


he got what he deserved, and Speier should be taking the side of the officer, not that of the person breaking the law. What if he was wanted for murder and started to walk away, and she did nothing.

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 **John Lindquist** · Top Commenter


False equivocation...one situation is a murder suspect, and the other is a guy harming nobody. Nobody who isn't actively fighting "deserves" to be tased...a Taser is a lethal weapon. You bootlickers have a lot to learn about what a justifiable use of force entails, and I hope you have to learn it by example, because perhaps then it will penetrate your thick skull.

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 **Ted Nguyen** · Top Commenter · San Jose State University

So if the police order me to stay, I can just walk away because they can't zap me and violate my Fourth Amendment right? If she can't zap him, how would she handle this situation then since you sound so smart.


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 **David Larkin** · Top Commenter · San Francisco, California

next time a cop pulls you over for a traffic violation, try walking or driving away. next time when someone is spraying graffiti on your house and the cops stop him all he has to do walk away, I think not.


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 **Jeffrey Novick** · Top Commenter · Scottsdale, Arizona


What a moron, he was out jogging with his dog off leash which is a violation of the law. When the officer contacted him he was would not cooperate with her. He lied to the officer by giving her a false name. When she realized she was being lied to about his identity he then decided to walk away. He was warned about being tased if he did not stop but continued to walk away. If I had a heart condition and a officer was pointing a taser at me and told me to stop, I would stop. In fact if I had a heart condition I would not be jogging to begin with.

Reply · Like · 19 hours ago

 **John Lindquist** · Top Commenter


Does the officer really have a defense here? She inappropriately applied lethal force ...she is guilty. Excessive force...abuse under color of authority.

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 **Rene Moneyk** · Top Commenter


Nice to see it settled. Pain compliance by taser has become far too common; regardless if the result wasn't fatal.

Reply · Like · 18 hours ago

 **Jeffrey Novick** · Top Commenter · Scottsdale, Arizona

Would you prefer being hit with a metal or wooden stick.

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 **Rene Moneyk** · Top Commenter

There was no need for either, the man was leaving the premises with his dogs. There was no danger and absolutely no need for any sort of violence..maybe that works in arizona, but i suspect you are just being fastidious as usual.

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