

# Millbury officer dropped from lawsuit over police beating in NH

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WORCESTER – A Millbury police officer has been dismissed from the \$6 million lawsuit filed last year by a Worcester man whose beating at the hands of police after a car chase in 2016 was broadcast on live television.

Officer Jarrod Woeller saw the civil case against him in U.S. District Court in Worcester dismissed Feb. 12 with prejudice, meaning it can't be refiled.

Richard C. Simone Jr. of Worcester [named Woeller last May in a lawsuit against numerous police officers in two states](#) who he alleges had a hand in the beating he received after a car chase.

Simone led police on a high-speed chase on May 11, 2016, that started in Holden and ended with the man surrendering outside his vehicle on a dead-end street in Nashua, New Hampshire.

News cameras in a helicopter circling overhead recorded [video of two officers striking the man repeatedly](#). One officer, Andrew Monaco of the New Hampshire State Police, pleaded guilty to misdemeanor assault and resigned. The other, Joseph Flynn of the Massachusetts State Police, was found not guilty of criminal charges and was reinstated.

Simone had alleged in his lawsuit that Woeller sparked the May 11 chase by making false statements in a report regarding Millbury officers' attempts to chase the man three days before.

Simone failed to stop for police trying to arrest him on a misdemeanor warrant May 8, with Woeller saying the man “drove at a marked police cruiser in an attempt to ram it” before swerving at the last moment.

Woeller said Millbury police pursued Simone but ended up stopping because of safety concerns. Charges stemming from his allegation of the near-miss on the cruiser led to issuance of a felony warrant.

In his lawsuit, Simone denied driving at the cruiser, arguing that police wouldn’t have stopped chasing him had he done that. He alleged Woeller’s statement was made to ensure a felony warrant would allow police to chase him more aggressively the next time.

Simone agreed voluntarily on Feb. 12 to drop all his allegations against Woeller, court records show.

“This was the correct decision on both the facts and the law,” Woeller’s lawyer, John J. Cloherty III, wrote in an email.

Cloherty said the May 8 chase “had no causal relationship” to the May 11 chase, and that Woeller and his department “acted with due caution for the safety of the public when calling off the high speed pursuit (May 8).”

Attorneys for Simone declined to comment on the dismissal. They are trying to have his case transferred from Worcester to New Hampshire after the sitting judge here dismissed a number of New Hampshire law enforcement officers from the case.

In a Nov. 12 ruling, U.S. District Court Judge Timothy S. Hillman dismissed former Trooper Monaco and multiple colleagues from the lawsuit, agreeing with their lawyers that Simone should have filed his case against them in New Hampshire.

Simone’s lawyers filed a motion Feb. 14 asking Hillman to vacate the dismissals and order the entire case transferred to New Hampshire. Among their arguments are that the public interest lies in ensuring that a mistake in the filing would not preclude their client from pursuing a “meritorious” case in which video evidence of police misconduct exists.

A lawyer for Simone told the T&G last May that Simone “probably should” have pulled over for police, but that his failure to do so did not excuse the violation of his civil rights upon his ultimate surrender.