

Rise eager for Taser incident to go to trial

By Kathryn Reed

Dale Rise is ready for a jury of his peers to decide if he is guilty of one misdemeanor and two felony charges stemming from his September altercation with three South Lake Tahoe police officers at his residence.

The South Tahoe Public Utility District board president was back in court Monday. Another court hearing is slated for July, with the trial set to begin in September.



Dale Rise

One thing Rise's attorney Bill Cole is seeking is for El Dorado County Superior Court Judge Suzanne Kingsbury to not hear the case. That decision has not been made.

Part of Rise's defense is invoking the Fourth Amendment, which states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Rise said he never willingly stepped out of his house.

He told *Lake Tahoe News* the District Attorney's Office wanted

him to accept a plea bargain.

"I'm not pleading guilty to something I did not do," Rise said.

Assistant District Attorney Hans Uthe was not available for comment.

It was Rise's 24-year-old daughter who called 911 eight months ago. She was living with her parents at the time. No domestic violence charges were ever filed.

Rise said when the three officers had him they pressed a Taser against his stomach. It was at that time, he said, that he grabbed the wires or probes out of his stomach.

Part of his defense is the recent court ruling stating Tasers are not to be used for punishment. Nor were the devices ever intended to be used directly on a person, but instead by an officer standing a couple feet away.