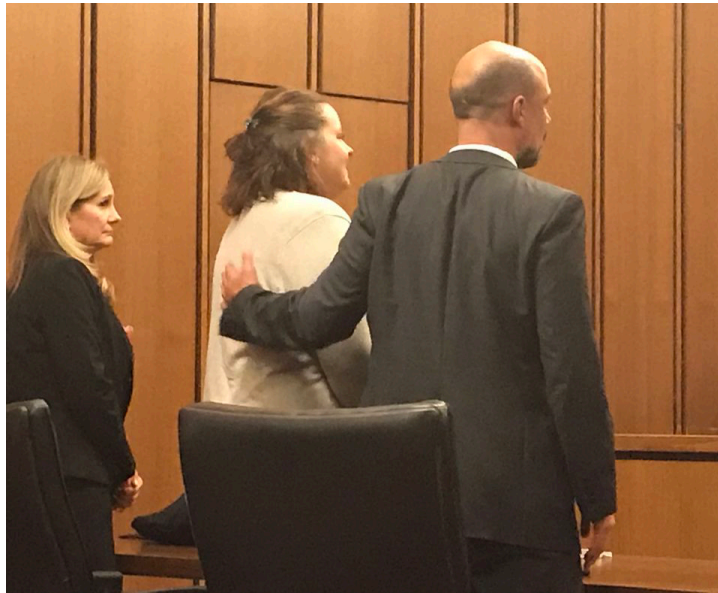


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## COURTS AND JUSTICE

## Jury convicts Olmsted Falls woman of resisting arrest, rejects felony charge of assaulting police officer who skinned his knee when he tackled her

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Christie Elko, center, is congratulated by her attorney Peter Pattakos after jurors on Friday found her not guilty of felony assault on a police officer. Elko, who claims Olmsted Falls Police Sgt. Floyd Takacs used excessive force during her September 2016 arrest, was found guilty of misdemeanor resisting arrest. Attorney Gina Crawford, left, is also pictured.

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By [Cory Shaffer, cleveland.com](#)

CLEVELAND, Ohio – An Olmsted Falls woman was acquitted on Friday of felonious assault of a police officer who scraped his knee when he and a police officer tackled her to the ground during a 2016 arrest.

Jurors found Christie Elko, who also filed a civil rights lawsuit that accused Sgt. Floyd Takacs of using [excessive force and hurling a homophobic slur](#) during her Sept. 24, 2016 arrest, guilty of a misdemeanor resisting arrest charge. The jury reached its verdict after deliberating for about 90 minutes.

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Common Pleas Court Judge Joseph Russo sentenced Elko immediately after the verdict to time served, and waived court costs.

Elko's attorney, Peter Pattakos, said after the verdict that he was thankful jurors acquitted Elko of the "ridiculous" felonious assault charge, and that Russo's sentence amounted to "less than a slap on the wrist."

But he said he and Elko will appeal her conviction because Russo denied their request to instruct jurors that people are allowed to use a proportionate amount of force against a police officer who uses excessive force on them.

"Had the jury been properly instructed on a citizen's right to resist excessive force by a police officer, we are sure they would have acquitted her on that charge as well," Pattakos said.

Pattakos, who is also representing Elko in her civil lawsuit, said it's unclear how the verdict may affect that case, which is still pending.

Olmsted Falls Mayor Jim Graven said in a text message after the verdict the jury "clearly believed the officer used a reasonable amount of force."

"The bottom line is that our officers did nothing wrong, although defendant Elko put the police at risk when she resisted arrest," Graven said.

The verdict capped the three-day criminal trial in a protracted case that has [spanned three years](#).

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Police body and dashboard camera videos of Elko's arrest played in court contradicted portions of Takacs' written report of the incident. Takacs tried to explain the differences, and why his body camera did not record a key portion of the encounter, while on the stand.

Elko's lawyer, Peter Pattakos, attacked Takacs in his closing arguments and repeatedly accused the 28-year department veteran of lying about the interaction to justify his action. Pattakos also accused Takacs of purposely positioning the initial interaction with Elko to be out-of-view of his police dashboard camera, turning off his body camera and needlessly escalating the situation when Elko began cursing at him.

"This police officer didn't like it when Christie Elko used disrespectful language to him, so his first instinct was to grab her and show her who was in charge," Pattakos told jurors. "That may even be a fair instinct on his part, but it's not a reason to brand Christie Elko a criminal."

Assistant Cuyahoga County Prosecutor Kevin Filiatraut, a member of the office's Major Trial Unit who usually handles aggravated murder and rape cases, argued in closing arguments Friday that Elko's resisting arrest resulted in Takacs's knee being scraped, and she should be held responsible for that.

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"I understand it's not a huge injury, but you know what, it is one," Filiatraut told the jury. "Let's put the blame where it lies: with her."

Both Filiatraut and Takacs argued that the officer had probable cause to arrest Elko on two separate offenses: domestic violence, and a fourth-degree misdemeanor charge of failing to provide personal information because she did not give her full name, date of birth and address to Takacs, even though video shows he never asked for that information.

"We don't live in a world where someone who can be arrested under the law gets to resist and then say, 'I defended myself,'" Filiatraut said. "That's the thing."

Court records show Elko was never charged with either of those offenses after her arrest.

The encounter started when Elko's boyfriend called police to report that she assaulted him during an argument over him going to a bachelor party.

Elko testified that the boyfriend had been drinking all day and made up the accusation after she told him she didn't want him to go.

Both Olmsted Falls police officers on patrol at the time responded to the call in separate cars. The first officer to arrive, Dan Doraty, spoke to Wat Floyd Takacs pulled up to Elko and got out of his car. He asked her what was going on, and she said she and her daughter were going to go get some food to eat, according to body and dashboard camera video played during the trial.

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Takacs walked over to her and said, "I need to know who you are."

"I'm Christie, I live upstairs," Elko said.

Takacs walked up to her and repeated, "I need to know who you are."

She replied that she did tell him who she was, and cursed as she asked why he was "getting so nasty" with her.

Takacs then grabbed Elko by the arm. He testified that Elko began walking away from him and he grabbed her to stop her from leaving the scene. Elko denied that, and said Takacs became aggressive and "attacked" her for no reason.

Elko freed her arm from Takacs' grip and began backing up, back into the view of the dashboard camera. She dropped her purse, and told Takacs to get up, the video showed.

Doraty then sprinted over and pulled out his stun gun, and held it up against Takacs' back and told her to get on the ground, the video showed. The

threw her to the ground and handcuffed her in about three seconds, the video showed.

Elko and Takacs exchanged curse words at each other as they escorted her to the police cruiser. She struggled to get into the car with her hands behind her back, and Takacs and Doraty struggled to push her into the car.

Takacs wrote in his report that Elko would not talk to him when he showed up. He also wrote that she "violently" pulled away from his grip and then refused commands to put her hands behind her back after they were "finally" able to take her down.

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Filiatraut did not offer the report as an exhibit into evidence, and objected when Pattakos offered it as a defense exhibit. Russo denied Filiatraut's and allowed the jury to view the report as evidence.

Takacs, who testified that in his 28 years on the force has made less than 100 arrests and has rarely been called to testify in felony court, said he included errors in his report because the arrest was a highly emotional incident for him. People often misremember highly emotional events, he likening them to hallucinations.

"Somebody must have been hallucinating when they wrote this police report," Pattakos quipped to the jury.

Elko was charged with resisting arrest and disorderly conduct in Berea Municipal Court in the days after the arrest. A grand jury a month later handed an indictment charging her with felonious assault on Takacs.

Elko filed the civil rights lawsuit in September 2017. Three months later, Cuyahoga County Prosecutor Michael O'Malley's office went back to the court and obtained a superseding indictment charging Elko with felonious assault on a police officer and misdemeanor resisting arrest.

Elko initially pleaded guilty in February 2018 to misdemeanor resisting arrest, and prosecutors dropped the felony assault charge. But she later vacated that plea after Olmsted Falls handed over in the civil lawsuit Takacs' disciplinary records that showed he had been previously sanctioned for coming toward women. Those records were not provided during her criminal case.

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Pattakos on Friday said the charges were retaliatory.

"They were trying to cover up for their misconduct," Pattakos said.

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