

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JOHN EDWARD DAWSON, JR., )  
 )  
 Plaintiff, )  
 )  
 vs. ) Docket No. 3:13-cv-00240  
 )  
 MONROE COUNTY, TENNESSEE, ) JURY DEMANDED  
 JAMES PATRICK HENRY, individually, )  
 DOUG BRANNON, individually, and )  
 BILL BIVENS, individually. )  
 )  
 Defendants. )

COMPLAINT

Comes the Plaintiff and for cause of action would state as follows:

I. INTRODUCTION

1. This action arises under the Fourth Amendment to the United States Constitution and under federal law, specifically, 42 U.S.C. §§ 1983 and 1988.

2. While the individual defendants were acting in the scope of their employment with the Monroe County, Tennessee Sheriff's Office and under color of state law, they engaged in a scheme to implicate and prosecute John Edward Dawson, Jr. for the murder of Troy Green. As part of this scheme, the defendants represented themselves as licensed attorneys who were representing John Edward Dawson, Jr. on his pending criminal charges and pretended to handle parts of his case, interfered with Dawson's right to counsel, fabricated evidence, coerced witnesses to provide testimony against John Edward Dawson, Jr. that the defendants knew to be false, and omitted relevant evidence and presented perjured testimony to the grand jury in order to secure an indictment for which probable cause did not otherwise exist. The individual defendants initiated

a prosecution of John Edward Dawson, Jr. without probable cause which resulted in Dawson being incarcerated and deprived of his freedom.

3. Action is also brought against Monroe County, Tennessee because customs in existence in Monroe County, Tennessee were the moving force behind the violation of John Edward Dawson, Jr.'s constitutional rights.

## II. JURISDICTION AND VENUE

4. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 (federal question) and 1343 (civil rights).

5. Venue is properly set in the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to this action occurred in this judicial district and one or more of the defendants resides in this judicial district.

## III. PARTIES

6. Plaintiff John Edward Dawson, Jr. is a citizen and resident of Monroe County, Tennessee.

7. Defendant Monroe County, Tennessee is a local government entity located in Tennessee. Monroe County, Tennessee operates the Monroe County Sheriff's Department.

8. Defendant James Patrick Henry is a citizen and resident of Monroe County, Tennessee. At all times material to the allegations in this complaint James Patrick Henry was a Deputy Sheriff appointed by the Sheriff of Monroe County, was serving as a detective, and was acting under color of law.

9. Defendant Doug Brannon is a citizen and resident of Monroe County, Tennessee. At all times material to the allegations in this complaint Doug Brannon was a Deputy Sheriff appointed by the Sheriff of Monroe County, was serving as a detective, and was acting under color of law.

10. Defendant Bill Bivens is a citizen and resident of Monroe County, Tennessee. At all times material to this complaint Bill Bivens was the Sheriff of Monroe County, was acting under color of law, and had supervisory authority over Defendants Henry and Brannon. Bill Bivens is a final policymaker on matters of law enforcement for Monroe County, Tennessee.

#### IV. FACTS

11. The body of homicide victim Troy Green was discovered on May 6, 2006 in Roane County, Tennessee. Troy Green had been reported missing from Monroe County, Tennessee on April 22, 2006 and his abandoned car was found two days later in McMinn County, Tennessee.

12. The Monroe County Sheriff's Department undertook an investigation into Troy Green's death. Investigations were also conducted by the McMinn County Sheriff's Department, the Roane County Sheriff's Department, and the Tennessee Bureau of Investigation.

13. Monroe County Sheriff's Department Detective James Patrick Henry was the lead detective assigned to investigate the homicide of Troy Green on behalf of the Monroe County Sheriff's Department. Detective Henry received the assignment on September 1, 2006.

14. Detective Henry was assisted in his investigation by Detective Doug Brannon and other employees of the Monroe County Sheriff's Department.

15. Detective Henry began to consider John Edward Dawson, Jr. a suspect in the homicide of Troy Green sometime in 2007.

16. On January 12, 2007 the Monroe County Sheriff's Department and the McMinn County Sheriff's Department executed a search warrant on the home and automobiles of John Edward Dawson, Jr. Detective Henry, Sheriff Bivens, and other Monroe County officers were present. No evidence was discovered linking John Edward Dawson, Jr. to the murder of Troy Green. However, several items were seized by the Monroe County Sheriff's Department for further investigation, including a red Chevrolet truck.

17. On May 15, 2007 John Edward Dawson, Jr. was indicted by the McMinn County Grand Jury on criminal charges unrelated to the death of Troy Green.

18. Sometime in 2007, Detective Henry visited the residence of Monte Cox. Detective Henry had received information that Monte Cox owned a pistol similar to a gun that was believed to have been in Troy Green's possession at the time of his disappearance.

19. Detective Henry questioned Monte Cox about the pistol and how Cox had acquired it. Cox told Detective Henry that he had purchased the gun shortly after Green's disappearance from someone named "Dirty Eddie" at the Reagan Station flea market. Cox was clear that "Dirty Eddie" was not John Edward Dawson, Jr.

20. Detective Henry was not satisfied with Monte Cox's statement and offered to assist a friend of Cox's that was in prison if Cox would change his statement to indicate he had purchased the gun from John Edward Dawson, Jr.

21. When Monte Cox expressed hesitation about changing his statement, Detective Henry assured Cox that was the way things were done in Monroe County. Detective Henry continued to speak with Cox and convinced him to change his statement to implicate John Edward Dawson, Jr.

Detective Henry's statement demonstrates that his actions were accepted by Monroe County, Tennessee and that similar action had become so widespread as to constitute a custom.

22. On July 15, 2008 John Edward Dawson, Jr. was indicted by the Monroe County Grand Jury on criminal charges unrelated to the death of Troy Green.

23. On July 21, 2008 the Monroe County Criminal Court issued a writ of habeas corpus *ad prosequendum* to secure custody of John Edward Dawson, Jr. and transfer him to Monroe County from a federal prison.

24. After his return to Monroe County, Tennessee, John Edward Dawson, Jr. was arraigned, appointed counsel on his pending charges resulting from the May 2007 and July 2008 indictments, and incarcerated in the Monroe County Jail.

25. Sometime after John Edward Dawson, Jr. was placed in the custody of the Monroe County Sheriff's Department and was incarcerated at the Monroe County Jail, Detective Henry entered into a scheme with Todd Sweet, Dawson's cellmate at the Monroe County Jail, in an attempt to surreptitiously gain information from John Edward Dawson, Jr. regarding the murder of Troy Green.

26. Detective Henry created two fictitious attorneys, Paul Harris and Neil Fink, and worked with Todd Sweet to lead John Edward Dawson, Jr. to believe that Fink and Harris were his lawyers and were representing him with respect to his pending criminal charges.

27. Detective Henry directed Sweet to question John Edward Dawson, Jr. about the murder of Troy Green and instructed Sweet on subjects he should discuss with Dawson. Todd Sweet was acting as an agent of the Monroe County Sheriff's Office when he conducted the desired questioning and conversations with Dawson.

28. Detective Henry and other officers of the Monroe County Sheriff's Office caused a hidden recording device to be placed in the cell shared by John Edward Dawson, Jr. and Todd Sweet. The recording device was hidden in a pair of shoes sent to Sweet by the fictitious attorneys Harris and Fink, and was intended to record Sweet's questioning of Dawson as directed by Detective Henry.

29. The questioning of John Edward Dawson, Jr. by Sweet was conducted without notice to Dawson's appointed attorney, without Dawson being informed of Sweet's role as an agent of the Monroe County Sheriff's Office, and without advising Dawson of his Miranda rights.

30. Detective Henry created a series of letters from fictitious attorneys Paul Harris and Neil Fink to John Edward Dawson, Jr. Detective Henry created letterhead for Harris and Fink which represented that the senders were attorneys from Detroit, Michigan.

31. Detective Henry provided these letters to Monroe County Jail Corrections Officer Ronnie Belcher and other officers for delivery to John Edward Dawson, Jr. The letters indicated that they were sent by an attorney and were treated as legal mail by the Monroe County Jail. Detective Henry used these letters to communicate with John Edward Dawson, Jr. without having the communications read by jail staff and without Dawson having the benefit of counsel.

32. Inmate Sweet and Detective Henry also spoke on the telephone with regularity. Detective Henry played the role of the fictitious lawyers Paul Harris and Neil Fink and would provide instructions to Sweet. Following these conversations, Sweet would convey messages to John Edward Dawson, Jr. from the fictitious lawyers.

33. Tennessee Bureau of Investigation Agent David Guy became aware of the scheme being carried out by Detective Henry and other officers of the Monroe County Sheriff's Office.

34. TBI Agent Guy expressed his concern to Steve Bebb, the District Attorney General for the 10<sup>th</sup> Judicial District, in November 2008.

35. While TBI Agent Guy was still in District Attorney General Bebb's office, Bebb called Monroe County Sheriff Bill Bivens and discussed with Bivens that he (Bebb) knew about the scheme and the use of inmate Todd Sweet, and that the actions needed to be stopped.

36. Sheriff Bivens determined to take no action whatsoever as a result of his conversation with District Attorney Bebb in November 2008. As a result, Detective Henry and other subordinate officers continued their unconstitutional conduct and committed further violations of the rights of John Edward Dawson, Jr.

37. In December 2008, Detective Henry sent a letter from the fictitious attorney Neil Fink directly to John Edward Dawson, Jr. The letter stated, in part, "I am preparing for a meeting with the District Attorney to get your red Chevy truck released," "your release will take place sometime this week," and "do not discuss this matter or your release with any other attorneys or family."

38. Detective Henry sent a total of six letters to John Edward Dawson, Jr. purporting to be from fictitious attorneys Paul Harris and Neil Fink. Five of the letters were addressed to Todd Sweet and one letter was addressed directly to John Edward Dawson, Jr. However, all of the letters were intended for and directed to John Edward Dawson, Jr. Dawson's lawyer was not informed of any of these communications.

39. In January 2009 the Monroe County Grand Jury indicted John Edward Dawson, Jr. on two additional charges unrelated to the death of Troy Green. John Edward Dawson, Jr. was arraigned on those charges and appointed counsel.

40. Sometime in January 2009 Detective Brannon had an in-person meeting with John Edward Dawson, Jr. at the Monroe County Jail. This meeting was at the behest of James Patrick Henry and occurred in a visitor's booth at the jail.

41. When Detective Brannon arrived at the jail, a corrections officer told John Edward Dawson, Jr. that his lawyer (referring to Detective Brannon) had arrived to meet with him.

42. Detective Brannon had removed all items from his person that identified him as a deputy sheriff and borrowed a suit jacket/sports coat from another law enforcement officer in order to reinforce his image as an attorney.

43. During the meeting, Detective Brannon acted as if he was an associate of the fictitious lawyers Harris and Fink, and told John Edward Dawson, Jr. that there was a potential he would be released from jail the following Saturday. Detective Brannon also told Dawson that the red Chevy truck that had been seized in January 2007 during the execution of the search warrant was about to be released to Dawson's wife.

44. Detective Brannon did not advise John Edward Dawson, Jr. of his Miranda rights or disclose his affiliation with the Monroe County Sheriff's Office before speaking with Dawson. Dawson's lawyer was not informed of the meeting.

45. With the assistance of the Office of the District Attorney General for the 10<sup>th</sup> Judicial District, Detective Henry released the red Chevy truck to John Edward Dawson, Jr.'s wife shortly



after the meeting. This was done to bolster John Edward Dawson, Jr.'s belief in and reliance on the fictitious attorneys Harris and Fink.

46. As a result of the actions of Detective Henry and Detective Brannon, John Edward Dawson, Jr. believed that the fictitious attorneys Harris and Fink were representing him on all of his pending charges.

47. During the course of the scheme Detective Henry, acting as Harris and Fink, and Detective Brannon, acting as an associate of Harris and Fink, instructed John Edward Dawson, Jr. not to cooperate or discuss any of the underlying facts of his cases with his lawyer and to have his lawyer put his pending cases off as many times as possible. On information and belief, this was done in order to enlarge the time for Detective Henry and Detective Brannon to continue their unconstitutional activity and attempt to gain information from Dawson.

48. Sheriff Bill Bivens was aware of the scheme - at least some of the letters sent to John Edward Dawson, Jr. by James Patrick Henry, the recording device, and other tactics engaged in by James Patrick Henry and Doug Brannon - during the time period that these events were taking place. Sheriff Bivens knew of the activities of his employees independently of the information given to him by District Attorney General Steve Bebb in November 2008. Despite having personal knowledge of these actions, Sheriff Bivens decided to take no action to investigate or discipline Detectives Henry and Brannon, or to otherwise remedy the situation and prevent further constitutional violations.

49. In January 2009, John Edward Dawson, Jr.'s lawyer requested that Dawson be subjected to a mental evaluation due to his refusal to cooperate with her and his insistence that he was represented by another lawyer that was handling his pending charges.

50. Around May 2009, John Edward Dawson, Jr.'s court-appointed lawyer for his pending charges discovered that a member or members of the Monroe County, Tennessee Sheriff's Office had represented themselves as two separate attorneys, had pretended to handle parts of Dawson's case on his behalf, and had instructed the defendant to cease communication with appointed counsel.

51. Dawson's lawyer brought this conduct to the attention of the Monroe County Criminal Court by filing a Motion to Dismiss. Detective Henry, Detective Brannon, Sheriff Bivens, and other employees of the Monroe County Sheriff's Office testified about their involvement in the scheme at a hearing on May 15, 2009. During the hearing, Detective Henry was informed by the court of possible criminal liability for his actions and advised of his Fifth Amendment rights against self-incrimination.

52. After the May 15, 2009 hearing where his employees had testified under oath about their unconstitutional activities, Sheriff Bivens again decided to take no action to investigate or discipline Detectives Henry and Brannon, or to otherwise remedy the situation and prevent further constitutional violations.

53. The Motion to Dismiss was denied by the Monroe County Criminal Court. John Edward Dawson, Jr. ultimately entered into a global plea agreement to dispose of his pending charges and entered a guilty plea. Dawson reserved a certified question of law for appellate review:

"Whether there was sufficient proof of an interference by State authorities of the defendant's right to counsel and a showing of prejudice as a matter of law from the allegations presented at the hearing on the Motion to Dismiss that letters allegedly drafted by a detective from the Monroe County Sheriff's Department and contact directly with a Monroe County detective convinced defendant he was represented by other counsel and should not communicate with appointed counsel and thus interfered with defendant's

constitutionally protected right to counsel and due process under both the United States and Tennessee Constitutions.”

An appeal was filed with the Tennessee Court of Criminal Appeals on the basis of this question.

54. Investigations into the death of Troy Green were also conducted by the Roane County Sheriff's Office, the McMinn County Sheriff's Office, and the Tennessee Bureau of Investigation. Detectives Henry and Brannon and Sheriff Bivens knew about these concurrent investigations into Troy Green's death.

55. Detective Henry and Detective Brannon were aware of other potential suspects developed during the other investigations, but did not question the other suspects or investigate anyone other than Dawson. Detectives Henry and Brannon also did not follow up on the lead relating to “Dirty Eddie” gleaned from Henry's conversation with Monte Cox.

56. Detective Henry and Detective Brannon were aware of exculpatory evidence favorable to John Edward Dawson, Jr. obtained by other law enforcement agencies regarding the death of Troy Green. This exculpatory evidence included a confession by an inmate that he had hired someone to murder Troy Green. Detectives Henry and Brannon did not follow-up on this exculpatory evidence.

57. Detectives Henry and Brannon were in possession of information that Troy Green had been seen alive in Roane County after his disappearance from Monroe County. They did not investigate the lead or otherwise follow-up on that information.

58. Detective Henry, Detective Brannon, and/or other employees of the Monroe County Sheriff's Department asked, encouraged, influenced, coerced, or deceived at least two other people, in addition to Monte Cox, in order to secure false evidence against John Edward Dawson, Jr. In some instances this was done in exchange for assistance, money, or other benefit.

59. Detective Henry and Detective Brannon made, influenced, or participated in the decision to prosecute John Edward Dawson, Jr. for the murder of Troy Green.

60. On information and belief, Detective Henry and Detective Brannon presented the falsified testimony of Monte Cox and other falsified evidence to the Monroe County Grand Jury in order to secure an indictment of John Edward Dawson, Jr. for the murder of Troy Green.

61. On information and belief, Detective Henry and Detective Brannon made omissions before the Monroe County Grand Jury that created a falsehood, including the omission of known exculpatory evidence and omission of a sighting of Troy Green in Roane County after the date he was reported missing from Monroe County.

62. On January 7, 2010 John Edward Dawson, Jr. was indicted by the Monroe County Grand Jury on a charge of First Degree Murder for the death of Troy Green.

63. On information and belief, the false evidence or omitted information presented to the grand jury by Defendants Henry and Brannon was material to the finding of probable cause.

64. On January 13, 2011, the Tennessee Court of Criminal Appeals filed an opinion in the case *State of Tennessee v. John Edward Dawson, Jr.*, 2011 WL 208076 (Tenn. Ct. Crim App., 2011). The Tennessee Court of Criminal Appeals addressed the actions of Detectives Henry and Brannon, and other employees of the Monroe County Sheriff's Office, during the fictitious attorney scheme. The court stated that the actions of the law enforcement officers were "abhorrent" and "reprehensible" and had "completely usurped" Dawson's right to counsel. The court found that the "conduct of the law enforcement officers in this case...is so egregious that it simply cannot go unchecked." The court dismissed the indictments issued May 2007, July 2008, and January 2009 against John Edward Dawson, Jr., stating that the "egregious actions of the law

enforcement officers in this case substantially and profoundly interfered with [John Edward Dawson, Jr.'s] right to counsel under the federal and state constitution.”

65. The opinion issued by the Tennessee Court of Criminal Appeals gave Sheriff Bivens an additional, detailed notice of the unconstitutional conduct of Detectives Henry and Brannon. Despite this additional notice, Sheriff Bivens decided to take no action to investigate or discipline Detectives Henry and Brannon or to otherwise remedy the situation and prevent further constitutional violations.

66. A Motion to Dismiss Indictment was filed on John Edward Dawson, Jr.'s behalf on November 21, 2011 with respect to the murder charge for the death of Troy Green. The motion was filed on the grounds that the conduct of Detective Henry, Detective Brannon, and other officers of the Monroe County Sheriff's violated Dawson's rights under the United States Constitution and the Tennessee Constitution, and that the indictment against Dawson had been secured by the presentation of false evidence to the grand jury.

67. On July 27, 2012 the Motion to Dismiss Indictment was granted, based on what the Monroe County Criminal Court described as “disturbing” evidence of the actions of the law enforcement officers. The criminal case against John Edward Dawson, Jr. for the murder of Troy Green was dismissed by the Monroe County Criminal Court.

68. John Edward Dawson, Jr. had been incarcerated in the Monroe County Jail since his transfer in July 2008. He was released from jail on July 27, 2012.

69. Sheriff Bivens never took any action to investigate or discipline Detectives Henry and Brannon for their unconstitutional conduct during the investigation and prosecution of John Edward Dawson, Jr. At no time did Sheriff Bivens take action to remedy the situation and prevent

further constitutional violation. Sheriff Bivens stated that he did not “see a problem” with the conduct of his deputies.

## V. DAMAGES

70. As a result of Defendants’ misconduct as described above, John Edward Dawson, Jr. was wrongfully charged with murder, deprived of his freedom, subjected to extreme stress and humiliation, and has suffered substantial damages, including emotional distress, mental anguish, and damage to his reputation.

71. The individual defendants’ misconduct as described above was so egregious that Plaintiff is entitled to punitive damages.

## VI. CAUSES OF ACTION

### Count I

#### Violation of Civil Rights Pursuant to 42 U.S.C. §1983

#### Fourth Amendment – Malicious Prosecution

#### Defendants Henry and Brannon

72. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint.

73. In committing the acts complained of, Defendants Henry, Brannon, and Bivens acted under color of state law to deprive Plaintiff of his constitutionally protected rights under the Fourth Amendment to the Constitution of the United States.

74. Criminal proceedings were initiated against Plaintiff for the murder of Troy Green. Defendants Henry and Bivens made, influenced, or participated in the decision to prosecute John Edward Dawson, Jr.

75. Defendants Henry and Brannon deliberately or with reckless disregard for the truth presented false evidence to the grand jury and omitted information in order to secure an indictment of Plaintiff. The false or omitted information was material to the grand jury's finding of probable cause.

76. Plaintiff was deprived of his liberty and incarcerated as a consequence of the criminal prosecution.

77. The criminal proceeding was resolved in Plaintiff's favor when the case against him was dismissed.

78. As a direct and proximate result of the violation of his constitutional rights by the defendants, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C §1983.

79. The conduct of Defendants Henry and Brannon was motivated by evil motive or intent, or demonstrated reckless or callous indifference to John Edward Dawson, Jr.'s federally protected rights, and was of such a nature that punitive damages should be imposed.

## COUNT II

### Violation of Civil Rights Pursuant to 42 U.S.C. §1983

#### Supervisory Liability

#### Defendant Bivens

80. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint.

81. At all material times, Defendant Bivens had supervisory authority over Defendants Henry and Brannon in his role as Sheriff of Monroe County, Tennessee and was acting under color of law.

82. In committing the acts complained of, Defendants Henry and Brannon acted under color of state law to deprive Plaintiff of his constitutionally protected rights under the Fourth Amendment to the Constitution of the United States.

83. Defendant Bivens was in possession of information revealing a strong likelihood that Defendants Brannon and Henry were engaged in unconstitutional conduct. Defendant Bivens had personal knowledge of the unconstitutional conduct of Defendants Henry and Brannon. Defendant Bivens received further notice of the unconstitutional conduct of his deputies through: the November 2008 phone call of District Attorney General Steve Bebb; the May 15, 2009 hearing in the Monroe County Criminal Court; the January 13, 2011 opinion issued by the Tennessee Court of Criminal Appeals; and the July 27, 2012 hearing and order issued by the Monroe County Criminal Court dismissing the case against Plaintiff.

84. Defendant Bivens did nothing to prevent the misconduct of Defendants Brannon and Henry. Defendant Bivens decided to take no action to investigate or discipline Defendants Henry



and Brannon for their unconstitutional conduct, to correct the situation, or to prevent future violations. Defendant Bivens has stated that he did not “see a problem” with the conduct of his deputies.

85. Defendant Bivens’ actions or inactions demonstrate that he implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of Defendants Henry and Brannon and was deliberately indifferent to violations of Plaintiff’s constitutional rights.

86. As a direct and proximate result of the violation of his constitutional rights by the Defendants, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C §1983.

87. The conduct of Defendant Bivens was motivated by evil motive or intent, or demonstrated reckless or callous indifference to John Edward Dawson, Jr.’s federally protected rights, and was of such a nature that punitive damages should be imposed.

### **COUNT III**

#### **Violation of Civil Rights Pursuant to 42 U.S.C. §1983**

#### **Municipal Liability – Custom of Tolerance or Acquiescence**

#### **Defendant Monroe County, Tennessee**

88. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint.

89. In committing the acts complained of, Defendants Henry and Brannon acted under color of state law to deprive Plaintiff of his constitutionally protected rights under the Fourth Amendment to the Constitution of the United States.

90. At all relevant times, Defendant Bivens was the sheriff of Monroe County, Tennessee and was a final policymaker on matters of law enforcement.

91. Defendant Bivens was aware of and acquiesced in a clear and persistent pattern of illegal activity. This activity consisted of disregarding the constitutional rights of suspects and the criminally accused including, but not limited to, conducting improper investigations, violating the right to counsel, soliciting false evidence, presenting false evidence or making omissions that created a falsehood before a grand jury, and instituting seizures without probable cause. The activity also consisted of inaction on the part of supervisors when faced with the misconduct of their subordinates. Monroe County, Tennessee's deliberate indifference in its failure to act amounts to an official policy of inaction.

92. This custom or policy of inaction was the moving force behind the violation of Plaintiff's constitutional rights.

93. As a direct and proximate result of the violation of his constitutional rights, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C §1983.

#### **COUNT IV**

##### **Violation of Civil Rights Pursuant to 42 U.S.C. §1983**

##### **Municipal Liability – Failure to Train**

##### **Defendant Monroe County, Tennessee**

94. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint.

95. In committing the acts complained of, Defendants Henry and Brannon acted under color of state law to deprive Plaintiff of his constitutionally protected rights under the Fourth Amendment to the Constitution of the United States.

96. The training provided by Monroe County, Tennessee to Defendants Brannon and Henry, generally and in their role as detectives, was inadequate for the tasks they were required to perform.

97. The inadequate training of Defendants Brannon and Henry, and other officers, was the result of deliberate indifference by Monroe County, Tennessee. A history of similar complaints had provided actual notice to Monroe County, Tennessee that the training they provided to their detectives was inadequate, or, in the alternative, the violations described in this Complaint were a foreseeable consequence of the lack of training.

98. The lack of training provided to Defendants Henry and Brannon was closely related to or actually caused the violation of Plaintiff's constitutional rights.

99. As a direct and proximate result of the violation of his constitutional rights, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C §1983.

## **COUNT V**

### **Violation of Civil Rights Pursuant to 42 U.S.C. §1983**

#### **Municipal Liability - Failure to Investigate, Supervise, or Discipline**

#### **Defendant Monroe County, Tennessee**

100. Plaintiff realleges and incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint.

101. In committing the acts complained of, Defendants Henry, Brannon, and Bivens acted under color of state law to deprive Plaintiff of his constitutionally protected rights under the Fourth Amendment to the Constitution of the United States.

102. Monroe County, Tennessee's investigation into the conduct of Defendants Brannon, Henry, and other officers was wholly inadequate, as no investigation was ever undertaken.

103. A clear and persistent pattern of illegal actions by Defendants Brannon, Henry, and other officers, both with respect to Plaintiff and other persons, existed and Monroe County, Tennessee knew of or should have known about the actions through their final policymaker, Defendant Bivens.

104. Despite having actual knowledge of the illegal actions, Monroe County, Tennessee remained deliberately indifferent to the constitutional violations committed by its employees.

105. This custom of Monroe County, Tennessee was the cause of the constitutional violations.

106. As a direct and proximate result of the violation of his constitutional rights, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C §1983.

#### **PRAYERS FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this matter be heard before a jury and that judgment be entered in favor of Plaintiff and against Defendants as follows:

1. Compensatory damages in an amount to be determined at trial, but not less than \$1,000,000.00, for emotional distress, damage to reputation, and the violation of his rights guaranteed to him by the United States Constitution;

2. Punitive damages against the individual Defendants in an amount to be determined at trial;
3. Court costs, including discretionary costs;
4. Reasonable expenses incurred in this litigation, including reasonable attorney and expert fees, pursuant to 42 U.S.C. §1988 (b) and (c);
5. Such other relief as the Court may deem appropriate.

Respectfully submitted the 1<sup>st</sup> day of May, 2013.

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