

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 11 2014

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Plaintiff,

vs.

Case No.

14 CV - 470 JED - TLW
JURY TRIAL DEMANDED

Attorney Lien Claimed

2 ERIC ROBERTS, in his individual
capacity and in his official capacity as
an Oklahoma Highway Patrol Trooper

Defendant.

COMPLAINT

COMES NOW [REDACTED] Plaintiff in the above entitled action, by and through her attorneys, Kevin D. Adams and Gina Ann Cowley, and for her causes of action alleges as follows:

JURISDICTION, VENUE AND PARTIES

1. Plaintiff, [REDACTED] is a 28 year-old woman, a citizen of the United States of America and a resident of Tulsa, Oklahoma.
2. Defendant, Eric Roberts, at all times material to this action was acting under color of law state law having been appointed, employed, and acting within the scope of his employment as a trooper for the Oklahoma Highway Patrol.

3. This action arises under the Fourth, Thirteenth and Fourteenth Amendments to the Constitution of the United States, under the Civil Rights Act, Title 42 of the United States Code, Section 1983.
4. This Court has original jurisdiction of the federal claims under and by virtue of Title 28 of the United States Code, Section 1331 and 1343.
5. All of the events giving rise to the claims asserted in this Complaint occurred in the Northern District of Oklahoma. Venue is proper under Title 28 of the United States Code, Section 1391(b)(2).

Factual Allegations

6. On the afternoon of Tuesday July 22nd of 2014 the Defendant, Eric Roberts, was working for the state as the Highway Patrol. Trooper Roberts was patrolling near the Town West Shopping center around the border of Tulsa and Creek counties. Trooper Roberts was in full uniform, driving a marked unit and armed with his service weapon.
7. At that same time [REDACTED] was driving in the same area with a female friend.
8. When Trooper Roberts encountered [REDACTED] he made eye contact with her and immediately turned his Highway Patrol Cruiser around.
9. As [REDACTED] pulled into the parking lot of the motel where she and her friend were planning on staying, Trooper Roberts caught up with the vehicle [REDACTED] was driving and initiated a traffic stop .
10. [REDACTED] had not violated and traffic laws to justify Trooper Robert's stop.
11. After Trooper Roberts approached [REDACTED] vehicle and made contact with her, Trooper Roberts could detect the smell of marijuana.

- 12.** After detecting the smell of marijuana, Trooper Roberts smiled at [REDACTED] and stated “you just made my day”.
- 13.** Trooper Roberts directed [REDACTED] back to his patrol vehicle, where once inside, Trooper Roberts began asking [REDACTED] inappropriate questions of a sexual nature.
- 14.** Trooper Roberts checked [REDACTED] background and uncovered no warrants.
- 15.** [REDACTED] has no criminal history other than minor traffic violations.
- 16.** Trooper Roberts began asking [REDACTED] if she had a boyfriend and how she satisfied herself sexually.
- 17.** When Trooper Roberts began asking sexually inappropriate questions [REDACTED] began to fear for her safety.
- 18.** Trooper Roberts asked [REDACTED] if she had a phone and if she could get the internet on her phone, [REDACTED] told Trooper Roberts that she had a phone and that she could get internet on her phone.
- 19.** Trooper Roberts told [REDACTED] to return to her car and have her friend to go into the motel and get a room without her, [REDACTED] complied with Trooper Roberts request out of fear.
- 20.** Trooper Roberts instructed [REDACTED] to drive to a convenience store nearby, once at the convenience store Trooper Roberts went inside and purchased two bottles of water.
- 21.** Trooper Roberts told [REDACTED] to park her car and ordered her to get in his Highway Patrol vehicle, upon returning to Trooper Robert’s patrol vehicle

- ██████████ was made to take off her bottoms, underwear and squat down in the seat.
22. While squatting in the seat, naked from the waste down, ██████████ began to wander if she was going to die.
 23. Trooper Roberts instructed ██████████ to go to the internet pornography site called “pornhub” on her phone and to search for a pornography video called “gym teacher lesbians”.
 24. As he drove his patrol unit, Trooper Roberts made ██████████ perform sexual acts on herself while playing the pornography video on her phone. As he was driving, Trooper Roberts observed ██████████ and watched the pornography video.
 25. While ██████████ was holding her phone so Trooper Roberts could watch his preferred pornography video, she received multiple calls on her cell phone. After each call Trooper Roberts made ██████████ re-start the pornography video.
 26. Trooper Roberts drove to a secluded location in the area of Frankhoma Road in Creek County.
 27. Trooper Roberts knew exactly where he was taking ██████████
 28. Once Trooper Roberts arrived at the secluded location, Trooper Roberts exited his vehicle, walked around his patrol unit to the passengers side where ██████████ was now sitting in the front seat.
 29. Trooper Roberts then opened the door to his patrol car and while standing in close proximity to ██████████ face, slowly took off his belt and began undressing.
 30. Trooper Roberts directed ██████████ to turn around and face the backseat of his police unit.

- 31.** As [REDACTED] was naked from the waste down, facing the back seat of Trooper Roberts patrol car, her knees in the front passenger seat, Trooper Roberts raped [REDACTED] while standing outside the passenger door of his patrol unit.
- 32.** After Trooper Roberts was finished with [REDACTED] he poured one of the bottles of water, he had perviously purchased, onto his groin area. Trooper Roberts then used a blue rag he had retrieved from his trunk, along with a substance with a medicated smell to clean himself.
- 33.** At some point, before leaving the scene of the rape, Trooper Roberts discarded the condom he wore as he brutalized [REDACTED]
- 34.** After being raped, [REDACTED] sat in the front seat of Trooper Robert's Oklahoma Highway Patrol vehicle, [REDACTED] was naked from the waste down, in shock, in pain and in fear for her life.
- 35.** After being allowed to dress Trooper Roberts drove [REDACTED] back to her vehicle.
- 36.** As he dropped [REDACTED] off, Trooper Robert's smirked and said "I'll see you later".
- 37.** [REDACTED] confided in a friend. The friend called a local media outlet and was given the number to the Highway Patrol. The day following the rape, [REDACTED] reported the sexual assault to the Oklahoma Highway Patrol, who sent a Captain down from Oklahoma City to investigate.
- 38.** The Oklahoma Highway Patrol decided to investigate the rape allegations made by [REDACTED] against one of their own. [REDACTED] was taken for a SANE exam by a member of the Oklahoma Highway Patrol, she took the investigators from the Highway Patrol to the store that Trooper Roberts purchased the water he

would later use to clean himself and took the investigators to the scene of the crime.

39. [REDACTED] believes that the investigators from the highway Patrol were able to recover the condom, Trooper Roberts wore, while raping her.

40. As of the filing of this lawsuit, Trooper Roberts has yet to be charged with any crime.

First Cause of Action
UNCONSTITUTIONAL SEIZURE/DEPRIVATION OF LIBERTY
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983

41. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

42. Trooper Roberts was acting under color of law at the time that he stopped [REDACTED] without a legal basis and without reasonable suspicion or probable cause.

43. Trooper Roberts stopped [REDACTED] with the intent of sexually assaulting her.

44. Trooper Roberts, in requiring [REDACTED] to stop the vehicle she was lawfully operating and remain in his presence, without reasonable suspicion or probable cause for the stop, during which time [REDACTED] was not free to leave , effected a detention of, and unlawfully seized, the person of [REDACTED]

45. By stopping [REDACTED] without reasonable suspicion or probable cause, Trooper Roberts, violated [REDACTED] right to be secure in her person against unreasonable seizures as guaranteed to all citizens by the Fourth and Fourteenth Amendment of the United States Constitution.

46. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived of the right to be secure in his person against unreasonable seizure as guaranteed under the Fourth and Fourteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

Second Cause of Action
UNCONSTITUTIONAL SEIZURE/DEPRIVATION OF LIBERTY
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983

47. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

48. Trooper Roberts was acting under color of law at the time that he stopped [REDACTED]

49. Even if Trooper Roberts had a basis to stop and detain [REDACTED] initially, he unreasonably extended the length of the stop to the point that [REDACTED] continued detention was unreasonable.

50. Trooper Roberts, in unreasonably extending the length of the stop, during which time [REDACTED] was not free to leave, effected an unreasonable detention of, and unlawfully seized, the person of [REDACTED] and violated [REDACTED] right to be secure in her person against unreasonable seizures as guaranteed to all citizens by the Fourth and Fourteenth Amendment of the United States Constitution.

51. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived of the right to be secure in his person against unreasonable seizure as

guaranteed under the Fourth and Fourteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

Third Cause of Action
UNCONSTITUTIONAL SEARCH/DEPRIVATION OF LIBERTY
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983

52. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

53. Trooper Roberts was acting under color of law at the time that he required [REDACTED] to remove her clothing.

54. Trooper Roberts, by forcing [REDACTED] to take off all of her clothes, exposing her naked body for his visual and physical examination and pleasure, without reasonable suspicion or probable cause, violated [REDACTED] right to be secure in her person against unreasonable searches as guaranteed to all citizens by the Fourth and Fourteenth Amendment of the United States Constitution.

55. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived of the right to be secure in his person against unreasonable search as guaranteed under the Fourth and Fourteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

Fourth Cause of Action
UNLAWFUL USE OF FORCE
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983

56. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

57. Trooper Roberts was acting under color of law at the time that he raped [REDACTED]

58. Trooper Roberts, by sexually assaulting [REDACTED] constituted an unlawful use of force in that Trooper Roberts subjected [REDACTED] to unwanted physical contact which was not objectively reasonable in the light of the facts and circumstances.

59. Trooper Robert's by the conduct described above, violated [REDACTED] right to be free from unlawful and excessive force guaranteed to all citizens by the Fourth and Fourteenth Amendment of the United States Constitution.

60. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived of the right to be free from unlawful and excessive force as guaranteed under the Fourth and Fourteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

**Fifth Cause of Action
VIOLATION OF THE EQUAL PROTECTION CLAUSE
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983**

61. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

62. Trooper Roberts was acting under color of law at the time that he raped [REDACTED]

63. Trooper Roberts, by abusing his authority as a Oklahoma Highway Patrol Trooper, for his own sexual gratification, violated [REDACTED] right to Equal Protection under the Fourteenth Amendment to the United States Constitution.

64. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived

of the right to Equal Protection under the Fourteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

Sixth Cause of Action
INVOLUNTARY SERVITUDE
as to Eric Roberts in his Individual and Official Capacity
42 U.S.C Section 1983

65. Plaintiff [REDACTED] incorporates paragraphs 1 through 40 herein.

66. Trooper Roberts was acting under color of law at the time that he forced [REDACTED] to have sex with him.

67. Trooper Roberts, by abusing his authority as a Oklahoma Highway Patrol Trooper, used the threat of physical force and/or the threat of legal coercion, specifically the threat of arrest, to force [REDACTED] into Involuntary Servitude as a sexual servant in violation of the Thirteenth Amendment to the United States Constitution.

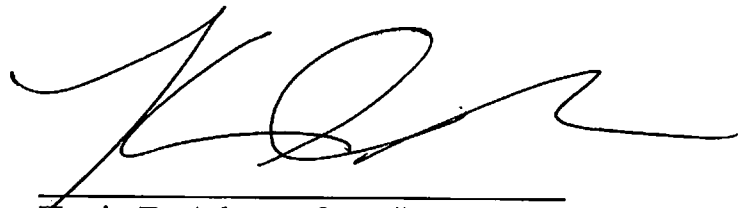
68. As a result of the above describe conduct of Trooper Roberts, [REDACTED] suffered damages in the form of mental, physical, and emotional pain and was deprived of the right to not to be forced into Involuntary Servitude under the Thirteenth Amendment to the United States Constitution, in an amount to be proven at trial and determined by a jury.

Wherefore, [REDACTED] prays this court will grant the following:

(A) Actual damages against Defendant Eric Roberts in an amount to be proven at trial and determined by a jury;

- (B)** Exemplary damages against Defendant Eric Roberts in an amount to be proven at trial and determined by a jury;
- (C)** The costs of this action including reasonable attorney's fees allowed under 42 U.S.C. Section 1988(b), and interest as provided by law;
- (D)** Such other and further relief as the Court shall find appropriate in the circumstances.

Respectfully Submitted,



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