

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KRISTIE R. PARKER,

Plaintiff,

vs.

TROOPER KENNETH L.P.
HAYNES, IN HIS INDIVIDUAL
CAPACITY AS A DELAWARE
STATE TROOPER,

Defendant.

CIVIL ACTION NO.

Plaintiff, Kristie Parker, by way of Complaint against Defendant Kenneth L.P. Haynes, Trooper for the Delaware State Police says:

INTRODUCTION

1. This case seeks to protect and vindicate the fundamental constitutional rights of Plaintiff Kristie Parker (Plaintiff Parker) under the Fourth and Fourteenth Amendments to the United States Constitution through the statutory vehicle 42 U.S.C. § 1983 against Defendant Kenneth L.P. Haynes (Defendant Haynes).

2. Plaintiff Parker seeks a monetary judgment against Defendant Haynes and a declaration that while acting under color of state law, his unconstitutional conduct—battery and sexual assault.

3. The basic purpose of § 1983 damages is to compensate persons for injuries caused by the deprivation of constitutional rights. *Carey v. Phipus*, 435 U.S. 247, 254 (1978); *Pryer v. C.O. 3 Slavic*, 251 F.3d 448, 453 (3d Cir. 2001)

JURISDICTION AND VENUE

4. Plaintiff Parker incorporates by reference complaint paragraphs one through three, as set forth fully here.

5. This Court has subject matter jurisdiction over the instant cause of action under 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. §§ 1983, 1988.

6. Title 42 U.S.C. §§ 1983 and 1988 authorizes Plaintiff's claims for damages.

7. Venue is proper under 28 U.S.C. § 1391(b) because Defendants reside, and the events occurred in the District of Delaware.

PARTIES

8. Plaintiff Kristie Parker is a female citizen currently residing in Georgetown, Delaware. At all times relevant, she was a citizen of the State of Delaware.

9. Defendant Kenneth L.P. Haynes serves as a State Trooper for the Delaware State Police. At all times herein mentioned, Defendant Haynes was acting

under the color of law in his individual capacity as a Trooper for the Delaware State Police.

THE FACTS

10. Plaintiff Parker cares for her special needs adult son who suffers from the effects of a traumatic brain injury.

11. On or around May 2022, Plaintiff Parker called 911 due to the actions of her special needs son, J.S, III, as a result of “hearing voices” due to a recent change of medication.

12. Parker’s son has mental health issues as a result of a traumatic brain injury.

13. Defendant Haynes appeared at her residence and tended to the needs of her son.

14. Defendant Haynes connected with her son and was able to calm him down.

15. Defendant Haynes left Plaintiff Parker his cell phone number under the auspices of caring for her son.

16. Two months later, Plaintiff Parker called 911 again due to her husband, John W. Parker III, having a violent outburst due to the consumption of illegal drugs and alcohol.

17. Defendant Haynes and another police officer arrived in response to Plaintiff's call.

18. Plaintiff's husband was destroying Plaintiff's home.

19. Defendant Haynes and the other officer arrested Plaintiff's husband and locked him up.

20. Later that evening, Defendant Haynes called Plaintiff.

21. Defendant Haynes informed Plaintiff that he needed to come back to the home and talk with Plaintiff.

22. Defendant Haynes told Plaintiff that he could only speak to her via the instant messaging app Snapchat.

23. Around 11 pm, Defendant Haynes arrived at Plaintiff's residence.

24. Defendant instructed Plaintiff to come out of her house via Snapchat.

25. When Plaintiff came outside, Defendant Haynes' laptop was turned off along with his patrol vehicle.

26. At that time, Defendant Haynes came behind Plaintiff wrapping his arms around her.

27. Plaintiff asked Defendant what he was doing, and he responded that he could help her with her pending federal criminal charges and that he had a lot of friends who were federal agents.

28. Defendant also informed Plaintiff that he fantasized about taking a woman's husband to jail and then coming back to rape the wife.

29. At that time, Defendant pulled Plaintiff back to his vehicle.

30. Plaintiff was frozen as Defendant was a police officer who had just arrested her husband and she was facing pending federal felonies.

31. Defendant then took Plaintiff by her right arm and pulled her to the driver's side of his SUV.

32. Plaintiff protested Defendant's sexual advances by stating "Why are you doing this?" and "What are you doing?"

33. In addition, Plaintiff tried to dissuade him from the sexual assault by saying "You know my son, you know what I'm going through".

34. Plaintiff continuously said "Please no" several times before the sexual assault.

35. Defendant grabbed Plaintiff's arm and pulled her to the driver's side of his vehicle.

36. Defendant pushed Plaintiff's face down on the driver's seat of his vehicle, pulled down Plaintiff's pants, pulled his penis out of his zipper, and proceeded to rape Plaintiff until ejaculation.

37. Defendant grabbed Plaintiff's arm and pulled her to the driver's side of his vehicle.

38. Defendant pushed Plaintiff's face down on the driver's seat of his vehicle, pulled down Plaintiff's pain, pulled his penis out of his zipper and proceeded to sexually assault Plaintiff against her will until ejaculation.

39. Prior to the sexual assault, Defendant turned his body camera off. Plaintiff Parker was in a confused state of mind as to why the Defendant returned to her residence.

40. While Defendant sexually assaulted Plaintiff, he pulled her hair back.

41. Upon ejaculation, Defendant instructed Plaintiff to pull up her pants.

42. After it was over, Plaintiff was crying. Plaintiff's special needs son came out and witnessed her crying while pulling up her pants. Plaintiff instructed her son to go back into the house.

43. Defendant then instructed Plaintiff to move quickly to the passenger backdoor.

44. Defendant turned on his laptop and brought out a legal notepad.

45. Defendant informed Plaintiff that he was going to act like he was taking a report from her.

46. The Defendant saw on his map that another Trooper was nearby who would be arriving.

47. Defendant instructed Plaintiff not to speak to the other Trooper.

48. Defendant counted down the second (9,8,7,6, etc.) until the other Trooper arrived.

49. Upon arrival, the Trooper asked Defendant Haynes what he was doing at the residence.

50. Defendant Haynes informed the Trooper that he was taking down information about a drug dealer.

51. Prior to the second Trooper arriving, Defendant informed Plaintiff that she would need to give him information regarding the drug dealer to explain why Defendant was at her residence.

52. The second Trooper exited the area first.

53. The Defendant instructed Plaintiff that “this is between us”.

54. Two months after the assault, Plaintiff was driving near the new Royal Farms in Frankford.

55. Defendant pulled Plaintiff over by waving to her.

56. Defendant questioned Plaintiff if she was planning on telling anybody what happened. When Plaintiff responded in the negative, Defendant asked her if

she'd be interested in having sex with himself and another woman. Plaintiff told him no and asked to be left alone.

57. Because of Defendant' sexual assault, Plaintiff Parker suffers mental, emotional, and physical trauma.

COUNT I

42 U.S.C. § 1983 – EXCESSIVE FORCE IN VIOLATION OF THE FOURTH AMENDMENT AGAINST DEFENDANT HAYNES

58. Plaintiff hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

59. 42 U.S.C. § 1983 provides that: “Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress”

60. Defendant Haynes recklessly deprived Plaintiff Parker of clearly established rights secured to her under the United States Constitution – specifically the Fourth Amendment right to be free from the use of excessive force against one's person.

61. Defendant Haynes' excessive use of force caused Plaintiff Parker to suffer immense damages. Any reasonable police officer in the position of Defendant Haynes would have known that the force being used against Plaintiff Parker was unconstitutional and extremely excessive.

62. Defendant Haynes' reckless and careless conduct resulted in a physical and psychological injury to Plaintiff Parker.

COUNT II

42 U.S.C. § 1983 — UNLAWFUL/UNREASONABLE SEIZURE OF PERSON IN VIOLATION OF FOURTH AMENDMENT

63. Plaintiff hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

64. As complained of herein above, Defendant Haynes seized Plaintiff in an unreasonable manner when Haynes sexually assaulted/battered Plaintiff.

65. Accordingly, the seizure of Plaintiff by Defendant Haynes by sexually assaulting/battering her, constituted an unlawful and unreasonable seizure of Plaintiff, in violation of her right to be free from unreasonable force under the Fourth Amendment to the United States Constitution.

66. As a direct and proximate result of the actions of Defendant Haynes as complained of herein, Plaintiff: 1) was substantially physically, mentally and

emotionally injured; 2) suffered great mental and emotional pain, suffering and distress, 4) incurred medical and psychological costs, bills and expenses and 3) incurred other special and general damages and expenses in an amount to be proven at trial.

67. The actions of Defendant Haynes were committed maliciously, oppressively, and in reckless disregard of Plaintiff's constitutional rights, sufficient for an award of punitive/exemplary damages against Defendant Haynes in an amount to be proven at trial.

COUNT III

42 U.S.C. § 1983 — DEPRIVATION OF DUE PROCESS IN VIOLATION OF FOURTEENTH AMENDMENT

68. Plaintiff hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein

69. Defendant Haynes intentionally sexually assaulted and battered Plaintiff in a manner that was shocking to the conscience.

70. Said sexual assault and battery of Plaintiff caused Plaintiff to suffer injuries.

71. Accordingly, the sexual assault and battery of Plaintiff by Defendant Haynes constituted of violation of Plaintiff's Fourteenth Amendment rights.

72. As a direct and proximate result of the actions of Defendant Haynes as complained of herein, Plaintiff: 1) was substantially physically, mentally, and emotionally injured; 2) suffered great mental and emotional pain, suffering, and distress; 4) incurred medical and psychological costs, bills and expenses and 5) incurred other special and general damages and expenses in an amount to be proven at trial.

73. The actions of defendant Haynes as complained of herein, were committed maliciously, oppressively, and in reckless disregard of Plaintiff's constitutional rights, sufficient for an award of punitive/exemplary damages against said defendants, in an amount to be proven at trial.

COUNT IV
ASSAULT AND BATTERY

74. The foregoing paragraphs are incorporated in this Count but will not be restated for the sake of brevity.

75. The above-described illegal assault and arrest of Plaintiff constitutes an assault and battery by Defendant Haynes a result of which Plaintiff was physically injured as well as sustaining severe and significant emotional distress.

76. Plaintiff continues to receive medical treatment as a result of the incident.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

77. The allegations contained above are incorporated herein as though fully set forth.

78. The above-described illegal detention and arrest of the Plaintiff constitutes an assault and battery by Defendant Haynes as a result of which Plaintiff was injured and sustained severe and significant emotional distress including loss of appetite, inability to sleep, anxiety, depression, and post-traumatic stress.

PRAYERS FOR RELIEF

79. Plaintiff demands judgment against Defendant and/or in the alternative for compensatory damages, punitive damages, attorney fees, interest and costs of suit, and such relief as the Court may deem just and equitable.

THE POLIQUIN FIRM, LLC

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Date: July 31, 2024