

TENNESSEE BUREAU OF INVESTIGATION SPECIAL AGENT LARRY DAVIS,
state as follows:

INTRODUCTION

1. This is a civil rights action for violations of the Fourth and Fourteenth Amendments to the United States Constitution arising from Plaintiff Adam Braseel's wrongful conviction for which he spent over thirteen years in prison.

2. This civil rights action is brought under 42 U.S.C. §1983 against the Estate of Former Grundy County Sheriff Brent Myers; Former Grundy County Sheriff Chief Deputy Lonnie Cleek; Former Grundy County Sheriff Deputy Andrew West; and Former Tennessee Bureau of Investigation Agent Larry Davis (collectively, "Defendant Officers") in their individual capacities, and against Defendant Grundy County Government.

3. This action seeks damages against Defendants caused by the violation of Plaintiff's constitutional rights.

4. This action also raises state law claims against the Defendant Officers for common law negligence, intentional infliction of emotional distress, malicious prosecution, civil conspiracy, in their individual capacities. Additionally, Plaintiff brings these claims against Defendant Grundy County Government pursuant to Tenn. Code Ann. § 8-8-302 and for indemnification.

5. Plaintiff seeks compensatory and punitive damages against the individual Defendants in their individual capacities, Plaintiff seeks compensatory claims against Defendant Grundy County Government.

JURISDICTION AND VENUE

6. Plaintiff's claims for relief are predicated upon 42 U.S.C. §1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges, and immunities secured to the Plaintiff by the Constitution of the United States.

7. This action arises under the Fourth and Fourteenth Amendments to the United States Constitution. This court has jurisdiction over this action under 28 U.S.C. §§1331 and 1343.

8. Venue is proper in the Eastern District of Tennessee under 28 U.S.C. §1391(b)(2) because the events complained of occurred in this District, and because, on information and belief, Defendants reside or have resided in this District.

THE PARTIES

9. Adam Braseel ("Plaintiff") is a United States citizen and resident of Tennessee.

10. Defendant Grundy County Government is a municipality formed under the laws of the state of Tennessee. The Grundy County Sheriff's Office is a municipal agency or department of Defendant Grundy County Government. Defendant Grundy County Government is liable for the acts of Defendants Myers, Cleek, and West while acting within the scope of their employment pursuant to its statutory obligation to indemnify them.

11. Defendant Estate of Brent Myers ("Defendant Myers") is joined as successor in interest to Brent Myers, who at all times relevant to this litigation was the duly elected Sheriff of Grundy County. Defendant Myers played a lead role in the

investigation of Plaintiff's case and was responsible for identifying, preserving, and disclosing favorable and material evidence to the Grundy County District Attorney General's Office.

12. As sheriff, Defendant Myers supervised the Defendant Officers named herein during the investigation of Plaintiff's case.

13. Defendant Lonnie Cleek ("Defendant Cleek") was at all times relevant to this litigation former Chief Deputy of the Grundy County Sheriff's Office. Defendant Cleek played a lead role in the investigation of Plaintiff's case and was responsible for identifying, preserving, and disclosing favorable and material evidence to the Grundy County District Attorney General's Office.

14. As Chief Deputy, Defendant Cleek supervised Defendants West and Davis during the investigation of Plaintiff's case.

15. Defendant Andrew West ("Defendant West") was at all times relevant to this litigation a former deputy of the Grundy County Sheriff's Office. Defendant West was responsible for identifying, preserving, and disclosing favorable and material evidence to the Grundy County District Attorney General's Office.

16. At all times relevant to this litigation, Defendants Myers, West, and Cleek acted under color of state law and in the course and scope of their employment with Defendant Grundy County Government.

17. Defendants Myers, West, and Cleek are sued in their individual capacities.

18. Defendant Larry Davis ("Defendant Davis") was at all times relevant to this litigation a former special agent of the Tennessee Bureau of Investigation.

Defendant Davis was responsible for identifying, preserving, and disclosing favorable and material evidence to the Grundy County District Attorney General's Office.

19. At all times relevant to this litigation, Defendant Davis acted under color of state law.

20. Defendant Davis is sued in his individual capacity.

FACTUAL BACKGROUND

21. Plaintiff was wrongfully prosecuted and convicted for the murder and robbery of Malcolm Burrows ("Mr. Burrows") and attempt murder and assault of Rebecca Hill ("Ms. Hill"), which occurred in Tracy City, Tennessee on January 7, 2006. Due to Defendants' unconstitutional conduct described herein, Plaintiff spent over thirteen years of his life in jail serving a life sentence for a brutal murder and assault that Kermit Bryson committed.

The Murder of Malcolm Burrows and Assault of Rebecca Hill

22. In January of 2006, Ms. Hill and her son, Kirk Braden ("Mr. Braden") had been staying with Mr. Burrows, Ms. Hill's brother, at his home in Tracy City, Tennessee, while they were between residences.

23. At about 9 p.m. on the Saturday night of January 7, 2006, Mr. Burrows and Ms. Hill heard a knock at the door. Mr. Braden was sleeping. Mr. Burrows opened the door to find a young, red-headed man, Kermit Bryson ("Kermit"), standing in the dark.

24. Mr. Burrows and Kermit had never spoken before but were not strangers. Kermit's girlfriend was raising a young boy that Mr. Burrows considered his grandson; Mr. Burrows had raised the child's father. Kermit explained to Mr.

Burrows that his car had broken down just down the road, and he was hoping Mr. Burrows could help him. This was not odd as Grundy County is a rural county with a close-knit community that tends to rely on one another in times of need, and Mr. Burrows was known around town to be a mechanic of sorts.

25. During the initial encounter with Mr. Burrows and Kermit, Ms. Hill caught a glimpse of Kermit. She had never seen him before, but she was not concerned when Mr. Burrows agreed to help him, as it was not unusual for Mr. Burrows to do so when people had car trouble.

26. Mr. Burrows told Kermit to hop in Ms. Hill's blue Chrysler so that Mr. Burrows could drive them back to where Kermit's car had broken down. Kermit got in the passenger seat, and Mr. Burrows drove him about 200 yards down the road to the broken-down 1998 tan/beige Ford Escort that Kermit drove.

27. For reasons that are not entirely known, when Mr. Burrows and Kermit arrived at Kermit's car, Kermit brutally beat Mr. Burrows to death on the side of the road, likely using a weapon similar to a tire iron. Kermit then returned to Mr. Burrows' house, presumably to kill Ms. Hill, the only witness who could connect him to Mr. Burrows' murder.

28. When Kermit got back to Mr. Burrows' house, he knocked on the door, and Ms. Hill answered. He told her that Mr. Burrows had sent him to get some starter fluid that was under the sink. When Ms. Hill bent down to look for the fluid, Kermit hit her in the head with a long, blunt object. She screamed, which woke up Mr. Braden.

29. Mr. Braden came to Ms. Hill's assistance after she yelled for help. When Mr. Braden entered the scene, encountering Kermit for the first time, it was amidst chaos. Kermit had attacked Ms. Hill to the point of unconsciousness. Upon seeing Mr. Braden enter the scene, Kermit threw a fire extinguisher at Mr. Braden and began attacking him.

30. Mr. Braden was able to fight Kermit off, and Kermit ran out of the house. After checking on his mother, Mr. Braden ran next door and called the police.

The Investigation

31. Mr. Braden called 911 at approximately 9:52 p.m.

32. The police arrived at Mr. Burrows' house at approximately 10:00 p.m. There was blood everywhere. Pools of blood were on the kitchen floor and blood spatter covered the living room furniture.

33. After briefly speaking with Mr. Braden and Ms. Hill, who was quickly airlifted to the hospital, the officers went back to Ms. Hill's car, which was still on the side of the road where Mr. Burrows had parked it to help Kermit.

34. Mr. Burrows' body was found by officers in the woods a short distance from Ms. Hill's blue Chrysler.

35. Mr. Burrows' wallet was found in his back pocket at the time officers arrived on the scene and discovered his body.

36. The police processed both scenes: the house and the murder scene. At the house, they collected evidence and dusted for prints. At the murder scene, they dusted Mr. Burrows' car for prints and transported the car to the Tennessee Bureau of Investigation ("TBI").

37. Defendant Officers, including Defendant Cleek, spoke to Ms. Hill and Mr. Braden, who both described the attacker as a man with medium build and red hair. Mr. Braden added that the attacker was about 5'7", eye level height to him.

38. After getting this description, Sergeant Michael Brown began asking around town if anyone knew a man with red hair. One woman said that the only redheaded man she knew was Plaintiff. She explained that he went to church with her and that she did not believe he would be involved in any crime.

39. At the time, Plaintiff was twenty-two years old. He had a wife and a good-paying job delivering packages for UPS. He had no history of violence and no connection to the victim.

40. Sergeant Brown reported the information from the woman with whom he spoke to Defendants.

41. Upon information and belief, Brown wrote a police report containing the information above, but it was concealed and/or destroyed by Defendants pursuant to their conspiracy to frame Plaintiff.

42. Because Defendants concealed and/or destroyed many police reports and prompted and manipulated witnesses into providing false testimony during Plaintiff's trial, the record is unclear on how Plaintiff's name ever came up in Defendants' investigation prior to Brown contacting defense counsel after Plaintiff's conviction.

43. With no leads, Defendant Officers went to find Plaintiff because of the information that this one woman from town knew of one redheaded man, Plaintiff.

44. Defendants went to Plaintiff's mother's house the day after Mr. Burrows' brutal murder. There, they learned that Plaintiff had been driving his mother's car, a gold Acura. Despite Plaintiff's car being a different color and completely different style than the perpetrator's car, Defendants claimed the cars were the same. Because of this fabricated similarity and that he had red hair—and not due to any physical evidence, criminal history, or motive—Defendants zeroed in on Plaintiff as a suspect.

45. A search of Plaintiff's car by TBI agents did not turn up any evidence connecting Plaintiff with the murder and attacks.

46. Defendants dug but could not find any physical evidence linking Plaintiff to the murder. Nor could they come up with a coherent theory of motive.

Flawed and Unreliable Eyewitness Identifications

47. Two days after the offenses had occurred, Defendant Myers allowed Mr. Braden to walk into his office while he was working on the case and had paperwork spread out on his desk, along with a stack of photos to be used in a lineup.

48. When Defendant Myers met with Mr. Braden, he showed him a single photo of Plaintiff. Naturally, Mr. Braden identified Plaintiff as the attacker.

49. Notably, single photo lineups have consistently been held to be unconstitutional in Tennessee due to their unreliability.

50. After getting the identification from Mr. Braden, Defendants went to get Ms. Hill to ask her to also identify Plaintiff.

51. Ms. Hill regained consciousness four or five days after the attack, and she was still heavily medicated when Defendants asked her to make an identification.

52. Much about Defendants' procedure is not known on how they obtained Ms. Hill's identification of Plaintiff, as there was no recording made and defense counsel was not present. However, a copy of the lineup was obtained, and it was egregiously improper.

53. In the lineup shown to Ms. Hill, the other men in the lineup besides Plaintiff did not match the description given at the scene. Many were older and had a different build than the man described at the scene.

54. Notably, Ms. Hill had failed to identify Plaintiff in a photo lineup immediately after the crime. It was only at this later time after being shown the egregiously improper lineup when she identified Plaintiff as the attacker.

55. Further supporting the unreliability of her identification of Plaintiff, Ms. Hill failed to identify Plaintiff as the attacker when the lineup was shown to her in court, identifying someone else as the attacker.

56. Moreover, the only similarities between Plaintiff and Kermit Bryson (now deceased), the actual murderer, was the sole fact of them having red hair. Kermit's hair color was a significantly darker shade of red and his hair was bushy and went over his ears—which could have easily been recognized as a person with “dark” hair as someone had described seeing by the Burrows home—whereas Plaintiff's hair is a significantly lighter shade of red and Plaintiff has always had clean cut hair. Moreover, Kermit's and Plaintiff's face structures are different.

57. Further, there was no corroboration by investigative officers as to the accuracy of the photograph identification by Ms. Hill and Mr. Branden.

58. No reasonable investigator would have considered Ms. Hill's nor Mr. Braden's identification to be reliable due to the circumstances under which they were made.

59. Absent the suggestive lineup, there would have been no basis to arrest or prosecute Plaintiff.

Plaintiff's Unlawful Arrest

60. With no evidence, the case hinged on Ms. Hill's and Mr. Braden's faulty identifications of Plaintiff as the attacker.

61. Based on these faulty identifications, Plaintiff was arrested on January 18, 2006, and indicted for first degree murder, felony murder, especially aggravated robbery, attempt to commit first degree murder, aggravated assault, especially aggravated burglary, and assault.

62. Following Plaintiff's arrest and subsequent seizure of his property, a large number of items were forwarded to the TBI lab. Fingerprints, latent prints, blood, and DNA was sent to the lab and a fabric analysis was done, yet there was no trace of Plaintiff at either crime scene.

63. Before and after his arrest, there was zero physical evidence connecting Plaintiff to the crime, despite a bloody scene and multiple physical altercations with the perpetrator. There was no blood on Plaintiff clothes, shoes, or his mother's gold Acura. There was also no connection between Plaintiff and the victims.

64. Rather, it was the real murderer's (Kermit Bryson's) fingerprints that were on items from the scene.

Failure to Investigate

65. Plaintiff was in Coalmont, Tennessee at the time the crimes occurred. He was visiting with friends about a twenty-minute drive away from where the crimes unfolded.

66. Plaintiff had a strong alibi, but Defendants only reported conducting an interview with one person (Plaintiff's friend, Charles Partin) out of the many individuals that saw him on the night of January 7, 2006.

67. On information and belief, on or about January 12, 2006, Defendant Cleek obtained a written statement from Plaintiff's friend, Charles Partin, regarding Plaintiff's whereabouts on January 7, 2006. However, Defendants failed to investigate Plaintiff's alibi and speak to the many other witnesses that were with or saw Plaintiff the night of Mr. Burrows' murder.

68. There were numerous individuals that saw Plaintiff from at least 9 p.m. until after 10 p.m. on the day Kermit murdered Mr. Burrows at a completely different location miles away, making it impossible for Plaintiff to have committed the crime.

69. Demonstrating Defendants' failure to investigate and report information, at Plaintiff's post-conviction evidentiary hearing, several witnesses testified to Plaintiff's whereabouts on January 7, 2006. Charles Partin testified that Plaintiff left Mr. Partin's house between 9:00 p.m. and 9:15 p.m. Robin Smith saw Plaintiff at Mr. Partin's house around 8:00 p.m. until she left at 9:00 p.m. Danny Johnson saw Plaintiff at Mr. Partin's house at around 8:30 p.m. Mr. Johnson left around 9:00 p.m. James Nick Brown testified that he saw Plaintiff from around noon to 9:15 p.m. until when they went to Josh Seagroves's house. Mr. Brown was with

Plaintiff “until the next day about 3 or 4 o’clock.” Jake Baum testified that at around 9:30 p.m., Plaintiff and he met at a church parking lot to smoke together. Baum recalled that he had to be somewhere at 10 p.m. so he left shortly before then. Darren Nunley testified Plaintiff was at Mr. Seagroves’ house around 9:30 p.m. or 10:00 p.m.

70. Defendants failed to investigate what type of car witnesses saw the perpetrator was driving. Kermit’s car was a tan/beige 1998 Ford Escort whereas Plaintiff’s mother’s car was a gold 1995 Acura. The cars are of two completely distinct body styles. The Acura is boxy whereas the Ford Escort is rounded. The cars were also two different colors.

71. Defendants failed to investigate the fingerprint on the interior of the passenger door handle of Ms. Hill’s Chrysler which did not match Plaintiff. In 2017, it was revealed to Plaintiff that the fingerprint on the vehicle was determined to match Kermit’s right index finger. Kermit had a lengthy criminal history and was in the system in 2006.

72. Defendants failed to investigate and disclose to Plaintiff the existence of a fingerprint on Mr. Burrows’ wallet which matched Kermit Bryson.

73. Defendants intentionally failed to conduct a thorough investigation pursuant to their conspiracy to frame Plaintiff for Mr. Burrows’ murder.

Suppression and Destruction of Evidence

74. The corruption in the County Sheriff’s Office shaped Plaintiff’s investigation, arrest, prosecution, conviction, appeal, and post-conviction. In particular, Defendants demonstrated a pattern of destroying and/or suppressing material exculpatory information.

75. After Plaintiff's arrest, police interviewed several individuals who provided information pointing to a suspect for Mr. Burrows' murder other than Plaintiff. Several of the interviews were not included in police reports but were provided to Plaintiff's defense counsel seven days before Plaintiff's trial.

76. On or about January 11, 2006, Defendant Myers obtained a written statement from Roxanne Crabtree in reference to a woman named Christa Garner owing Mr. Burrows \$60,000.00 and her not paying the money back. Mr. Burrows reportedly killed some of Christa's horses because of the debt. When Plaintiff's defense counsel interviewed Defendant Cleek, he told defense counsel that Defendant Davis attempted to interview Christa Garner and she immediately invoked her Miranda rights and refused to give an interview. Defendants failed to disclose this information through any police report.

77. Further, a man named Phillip Clay gave a statement to Defendant Cleek on or about March 2, 2007, when he was in jail. Mr. Clay told Defendant Cleek that he was riding in the backseat of a car with Dana Frederick and Dewayne Lane at some point after the victim was killed. Mr. Lane was driving, and Ms. Frederick was sitting in the passenger seat. The couple was arguing. During the argument, the car started to swerve, and Mr. Lane reached over and pushed Ms. Frederick's face. She said, "[T]ouch me again, and you'll wind up dead just like [the victim]. F—with my daddy, f—with Big Eck." Mr. Clay recalled that Ms. Frederick's father's name was "Eck."

78. Defendant Officers failed to disclose the information that Phillip Clay provided to Defendant Cleek though any police report.

79. Defendants continued to destroy police reports throughout the pendency of Plaintiff's case.

80. Upon taking office, the current sheriff of Grundy County, Clint Shrum, stated: "When I took office on September 1, 2014, there was not even a single case file on the Braseel Case at the Sheriff's Office. The question is this; was there something the past administration did not want me to see?"

81. Defendants also suppressed the discovery of Kermit's fingerprint on the interior door of the passenger-side of the victim's car. Once the TBI analysis was done and reported in 2017, Defendants took more than a year to disclose the results and provided no explanation for why a new analysis was performed in this case.

Fabrication of Evidence

The "Missing" Wallet Fabrication

82. Defendants falsely reported that Mr. Burrows' wallet was missing when they knew that his wallet was on his person at the scene. After Plaintiff's trial, Sergeant Michael Brown, who was not called as a State witness, told Plaintiff's defense counsel that he responded to the scene and Mr. Burrows' wallet was, in fact, with his person. This was later confirmed when scientific testing revealed Kermit's fingerprint on the wallet.

83. Defendants Myers and Larry arrived at the scene, and then Sergeant Brown left the scene. The wallet then disappeared. Neither Defendant Myers nor Defendant Davis logged Mr. Burrows' wallet into evidence and Defendant Officers kept mention of the wallet out of any police report.

84. To explain why Plaintiff murdered Mr. Burrows—a man he did not know—Defendants fabricated probable cause for Plaintiff’s arrest by claiming that Mr. Burrows’ wallet had been taken from the scene by the perpetrator. During Plaintiff’s trial, Defendant Davis testified falsely at Plaintiff’s trial that no wallet was found on the body of Mr. Burrows.

Mr. Braden’s Witness Description

85. Investigators took witness statements from Mr. Braden and, a few days later, from Ms. Hill.

86. Ms. Hill reportedly described the assailant as being short with red hair and a medium build. This vague, general description was written up in a police report on January 7, 2006.

87. Mr. Braden’s initial description to police was that the man had “short red hair, medium build” and “thought to be about 5’ 7”.”

88. A police report dated January 7, 2006, prepared by Defendant Deputy Andrew West states the following:

Mr. Braden relayed to me his story on incident as told to him by his mother. He had been asleep up until assault on Ms. Hill. Mr. Braden awoke suddenly when he heard his mother scream. Entering kitchen from where he slept, he observed an unknown man hitting Ms. Hill in the head with what appeared to be a hammer. This man appear to Mr. Braden to be a young man with short red hair, medium build and about eye level height to Mr. Braden which I thought to be about 5’7”. Mr. Braden then stated assailant then grabbed a fire extinguisher and swung it at him. Unknown male then ran out of residence. Mr. Braden said there was small tan, four door car in driveway and that apparently subject came back for car while Mr. Braden was taking car of his mother . . . Male was also unknown to Ms. Hill.

89. Notably, when Mr. Braden gave his initial witness statement, he made no mention of the perpetrator wearing a ball cap, and the perpetrator was “unknown” to him. He described the perpetrator’s vehicle as “tan” in color.

90. However, according to a handwritten police report that was not prepared by Defendant Officers until June 1, 2008, Mr. Braden reportedly described the assailant as having “very short red hair, medium build, wore a ball cap, jeans and a shirt” and described the car as a “90’s toyota/nissan beige or gold 4 door car.” Suddenly, the “ball cap” and a “gold 4 door car” were interjected into the investigation.

91. The description of the attacker wearing a “ball cap” was deliberately fabricated by Defendants to fit what was later found in Plaintiff’s car. (A ball cap was found in Plaintiff’s car when it was searched.)

92. Mr. Braden’s original description of the vehicle was that the vehicle Kermit drove was tan/beige. Again, pursuant to their conspiracy to frame Plaintiff, Defendants altered and fabricated Mr. Braden’s description of the perpetrator’s vehicle to make it more consistent with the car Plaintiff was driving.

Defendants Fabricated Evidence

93. Knowing the case to be weak and based on unreliable identifications, Defendant Officers met with Ms. Hill and Mr. Braden as part of the investigation. During that meeting, Defendant Officers informed Ms. Hill and Mr. Braden that their identifications would be more helpful if they testified that at least one of them was familiar with Plaintiff before the attack.

94. As reflected in Mr. Braden’s initial interviews, he did not know the perpetrator at the time the attack occurred. Mr. Braden was pressured by Defendant

Officers to provide information that was used to arrest, prosecute, and convict Plaintiff.

95. Also notably absent from any initial reports is any indication from Ms. Hill that her son knew the attacker before the crime occurred. Nevertheless—again, as a result of Defendants’ pressure and manipulation, Defendants used the false fact that Ms. Hill’s son knew the attacker to support the arrest, prosecution, and conviction of Plaintiff.

96. Also, at the prompting of Defendant Officers, Mr. Braden provided a false statement that Plaintiff drove away from the scene in a gold vehicle which had a dent on the right front fender and a sunroof. This was not in Mr. Braden’s original descriptions provided in police reports. In fact, he referred to the vehicle as “tan” in color and did not report seeing any damage before police began to target Plaintiff as their primary and only suspect. However, Mr. Braden’s later false statement was used to support the prosecution and conviction of Plaintiff.

97. Defendant Officers also met with Mr. Burrows’ neighbor, Angela White, as part of the investigation.

98. At the prompting of Defendant Officers, Angela White falsely testified at Plaintiff’s trial that on January 6, she noticed an unfamiliar gold vehicle with a dent in the front parked in her yard facing Mr. Burrows’ house, and that the gold Acura that Plaintiff had borrowed from his mother “looked like the car” she had seen near Mr. Burrows’ house.

99. As reflected in initial interviews of Angela White by Defendant Officers, Angela White did not describe a dent in the front of the perpetrator’s vehicle.

The Fabrication and Alteration of Jay Douglas' Description

100. Defendant Myers interviewed an individual named Jay Douglas, who told him that on January 6, 2007, he saw Mr. Burrows talking to a tall, white man with dark hair over his ears. The man was with a blonde woman, and they were driving a tan or gold car.

101. In his report, Defendant Myers altered the description, writing “[Douglas] told me that the subject in the car was a white male between twenty-five and thirty years old with red hair.” Thus, Defendant Myers altered the witness statement solely to reflect specific information that would have been consistent with Plaintiff's description.

The Malicious Prosecution of Plaintiff

102. Although Plaintiff's case was fraught with procedural and evidentiary problems from the beginning, it proceeded to trial.

103. Plaintiff's trial was brief, only lasting two days.

104. Plaintiff was twenty-four years of age at the time of his trial.

105. The case against Plaintiff was constructed by Defendants to be a calculated brutal attack on Mr. Burrows motivated by a desire to steal his wallet. Defendants removed Mr. Burrows wallet from the scene and concealed this fact from the prosecution, Plaintiff, and his defense lawyer. Pursuant to this conspiracy, Defendants pressured witnesses into giving false statements and testimony, knowing these statements to be false, that no wallet was found on the body of Mr. Burrows. Defendants' case was based on this fabrication.

106. The State's only direct evidence implicating Plaintiff were the unreliable identifications of him obtained by Defendants through unconstitutionally suggestive lineup techniques.

107. The prosecution relied on the evidence fabricated by Defendants to bolster the otherwise unconstitutionally obtained identifications.

108. The fabricated evidence introduced at trial included (1) that Mr. Braden was familiar with Plaintiff from before the attack, (2) that the perpetrator was wearing a ball cap like the one found Plaintiff's vehicle, (3) that the perpetrator's vehicle had a sunroof like Plaintiff's vehicle, (4) that the perpetrator's vehicle had a dent in it like Plaintiff's vehicle, (5) that the perpetrator's vehicle was gold (not tan) like Plaintiff's vehicle, and (6) that Mr. Burrows' wallet was missing.

109. The most critical evidence of the prosecution was that Mr. Burrows' wallet was allegedly missing.

110. As a result of the unconstitutionally obtained identifications and fabrications, Plaintiff was convicted and sentenced to life imprisonment.

Postconviction Discovery of Defendants' Unconstitutional Conduct

111. On January 4, 2016, Judge Angel vacated Plaintiff's convictions and ordered a new trial. Judge Angel found that single-photo eyewitness identifications had been ruled unconstitutional in Tennessee. Judge Angel noted that the State's case relied almost exclusively on the eyewitness identifications and found, "If any other evidence whatsoever existed, then the flaws with the identification of the

Petitioner would not be as important and fundamental to ensuring that the Petitioner receive a constitutionally fair trial.”

112. Plaintiff was released from prison on January 8, 2016.

113. Despite Defendants having no evidence against Plaintiff; concealing Mr. Burrows’ wallet and pressuring witnesses into giving false statements and false testimony; failing to investigate Plaintiff’s alibi or do a thorough investigation, and flawed eyewitness’ identifications; the State appealed Judge Angel’s decision.

114. Plaintiff’s new counsel obtained an affidavit from former Sergeant Deputy Michael Brown, who had moved to Florida. In his affidavit, former Sergeant Brown stated that Mr. Burrows had a wallet in his back pocket when he found the body. This contradicted the testimony of Defendant Davis about the absence of a wallet. This also contradicted the State’s theory that Mr. Burrows was killed in a robbery. Brown also stated that Defendant Myers was at the crime scene that night and Brown showed Defendant Myers and Defendant Davis the body. This contradicted Defendant Myers’s testimony.

115. Former Sergeant Deputy Brown had left the Grundy Sheriff’s Department prior to Plaintiff’s trial, but he stated in his affidavit that he had contacted Defendants from the Gundy District Attorney’s Office notifying the office that he could come testify. He was told that he was not needed.

116. During the initial investigation, the TBI recovered a latent fingerprint at the murder scene. It did not match Plaintiff, and Defendants alleged that it was unable to be matched to anyone in its database at the time.

117. In 2017, TBI fingerprint examiner Kendra Fleenor, a supervisor in the department, found a match to a fingerprint found at the scene of Mr. Burrows' murder: it was Kermit Bryson. It was the fingerprint that was found on the inside door handle in the front passenger seat of Ms. Hill's Chrysler car, the door handle used by Kermit when he rode with Mr. Burrows before killing him.

118. On June 29, 2017, the TBI reported this finding.

119. Fingerprint examiner Ms. Fleenor recognized the significance of this discovery, and TBI agents took action to ensure that even the Deputy Commissioner of TBI was aware of the development. However, the prosecution waited fifteen months before telling defense counsel of the matching print, months that Plaintiff continued to sit in prison for a crime he did not commit.

120. Plaintiff's post-conviction counsel was informed of the discovery over a year after the report of the discovery of Kermit's print at the murder scene was prepared, on October 3, 2018.

121. Eventually, the State disclosed the following facts about Kermit:

- i. Kermit's fingerprint was found on the Chrysler Fifth Avenue passenger door handle (interior);
- ii. Kermit had a violent criminal history and was released from parole in May, 2005 (about 8 months before the murder);
- iii. Kermit had killed a police officer in 2008 and killed himself in a subsequent standoff;
- iv. Kermit did not have a connection to Plaintiff;
- v. Kermit's girlfriend was raising a boy that Mr. Burrows considered to be his grandson; and
- vi. Kermit rode around in his girlfriend's car (her name was not disclosed by Defendants despite Defendants having interviewed her).

Other Evidence Discovered Against the Real Killer Kermit

122. Kermit's involvement in the murder was corroborated by a confession he gave to Elizabeth Rector ("Ms. Rector"), a close friend of his at the time of Mr. Burrows' murder.

123. Ms. Rector revealed to Plaintiff's post-conviction counsel that during a conversation with Kermit, he told her that he had killed Mr. Burrows. Ms. Rector stated that she had also told this information to a professor, Mr. Rasch, as part of a research study in 2018.

124. Ms. Rector's account was corroborated after further investigation by Plaintiff's post-conviction counsel. Mr. Rasch confirmed that Ms. Rector had told him that Kermit was involved in Mr. Burrows' murder in May of 2018 and that she was interested in telling someone about it so that it could be public.

125. Further, Plaintiff's defense counsel obtained Kermit's mental health records. Kermit's mental health records showed a tendency to commit impulsive acts of violence. Kermit suffered from multiple mental illnesses, including: Major Depressive Disorder; Conduct Disorder, Solitary Aggressive Type; Intermittent Explosive Disorder; Antisocial Personality Disorder; and Bipolar Disorder. Because of his mental condition, he was prone to extremely violent, unwarranted outbursts. Kermit reported that he would often black out during the outbursts and "wake up" to see that he had given people black eyes and bruises. He also reported hallucinations.

126. It was also discovered that in late June 2005, around six months before he committed the murder, Kermit's girlfriend brought him to the mental health facility because he was hallucinating. Once there, Kermit reported that he had a

desire to hurt himself and others. He was admitted for several days and prescribed medication. He was supposed to come back for monthly checkups to monitor his progress and fill prescriptions, but he failed to show up to any of his monthly appointments prior to the murder.

Mr. Braseel's Exoneration

127. Based on the new evidence discovered by Plaintiff's defense counsel, Plaintiff filed a state petition for a *Writ of Error Coram Nobis* on February 8, 2019.

128. Knowing its case to be unwinnable, the prosecution offered Plaintiff a deal for time served in exchange for an *Alford* plea to aggravated assault. Plaintiff faced a difficult choice between entering the plea and going home that day or staying in prison until his trial concluded and hoping for an acquittal. Plaintiff opted to take the plea and go home immediately even though the mark of a felon would remain on his record.

129. Plaintiff subsequently filed for clemency based on the evidence and procedural irregularities described above.

130. Plaintiff's supporters at the hearing included Judge Angel and Sheriff Clint Shrum, who replaced Defendant Myers in 2014.

131. Sheriff Clint Shrum stated, "I'm not a conspiracy theorist, but what I do think is this was some of the worst police work that I have ever seen in my life." In an affidavit that accompanied one of Plaintiff's petitions, Mr. Shrum stated that the department's case file on the murder was missing when he took office.

132. After an evidentiary hearing, on June 24, 2020, the Tennessee Board of Parole met and voted unanimously to recommend that Governor Bill Lee exonerate Plaintiff.

133. Governor Bill Lee issued an exoneration to Plaintiff on December 2, 2021.

134. The findings in Plaintiff's exoneration included: that Plaintiff's original trial was fraught with procedural and evidentiary problems; that Plaintiff's alibi was never investigated; that faulty eyewitness identifications were tainted by procedural deficiencies; that the prosecution failed to disclose certain physical evidence to the defense; and that there was a lack of physical evidence or motive linking Plaintiff to the crime.

135. Plaintiff is Tennessee's first convicted murderer to be exonerated.

PLAINTIFF ADAM BRASEEL'S INJURIES

136. In serving nearly a decade and half of his life in prison, Plaintiff was wrongfully deprived of a significant portion of his young adult life. Imprisoned at age twenty-four (24) and released at age thirty-seven (37), Plaintiff must now attempt to make a life for himself outside of prison without the benefit of the years of life experiences which ordinarily equip adults for that task. He missed out on the ability to share holidays, births, funerals, and other life events with loved ones. He missed out on the fundamental freedom to live one's life as an autonomous human being. He lost his precious mother and other loved ones during his wrongful incarceration. He missed out on acquiring the training and education that would have equipped him for more lucrative employment than what he has currently experienced.

137. Additionally, the emotional pain and suffering caused by losing over thirteen years in the prime of his life has been enormous. The over thirteen years breaks down to **4,860 days** or **116,640 hours** that Plaintiff will never get back no matter what compensation may be awarded to him. During his wrongful incarceration, Plaintiff was stripped of the various pleasures of basic human experience, from the simplest to the most important, which all free people enjoy as a matter of right. Every day of his incarceration, Plaintiff suffered from anxiety from the thought of not knowing whether he was ever going to come home. Plaintiff suffered and still suffers to this day the fear that he and his family might be killed by law enforcement as a form of retribution.

138. As just one example of the humiliations to which Plaintiff was subjected while incarcerated, Plaintiff had feces thrown on him to the point that he was covered in excrement, all while he held a door open for an injured officer.

139. Plaintiff suffers from many physical ailments directly attributable to his wrongful conviction. During his incarceration, Plaintiff slept on concrete beds for 4,860 nights. He injured his back working at the prison, scraping floors for fifty cents an hour. From another job hand-scraping hardwood floors at the prison, he injured his shoulders. Because of this, his hands often go numb, and he still suffers from back and shoulder injuries. Plaintiff suffers from neck pain due to not having a pillow in prison. Further, because of the extremely loud noise associated with scraping hardwood boards at his prison job, he had become deaf in one ear. Plaintiff suffered a severed ACL and a large tear in his meniscus during his incarceration.

140. During his wrongful incarceration, Plaintiff caught a staph infection, which nearly killed him. His wrist swelled up double its size and bright red streaks appeared on his arms. He was eventually taken to an outside hospital for a massive emergency surgery. Plaintiff nearly died.

141. Plaintiff will require numerous visits and courses of treatments to address the many physical injuries caused by his unconstitutional incarceration.

142. Plaintiff currently suffers from overwhelming depression, anxiety, and terror.

143. Additionally, Plaintiff's family name was tarnished in the community. The "Braseel" family name had always had a good reputation until Plaintiff's wrongful arrest, conviction, and incarceration. Prior to his incarceration, Plaintiff had a well-paid job and promising career working for UPS. Because of his wrongful incarceration, he has been deprived of thirteen years of job training, experience and seniority which would have resulted in promotions and increases in pay at UPS and retirement benefits which would have accumulated for thirteen years. Further, due to his incarceration, his former wife divorced him. Plaintiff was deprived the ability to have a successful marriage and children with his former wife.

144. As a result of the foregoing, Plaintiff has suffered tremendous damage, including physical sickness and injury and emotional damages, all proximately caused by Defendants' misconduct. Plaintiff's life will never be the same because of what Defendants willingly and knowingly did to him.

COUNT I:

**VIOLATION OF THE FOURTH AND FOURTEENTH
TO THE UNITED STATES CONSTITUTION:
(AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS)**

**MALICIOUS PROSECUTION
(42 U.S.C. § 1983)**

145. Each paragraph of this Complaint is incorporated as if fully set forth herein.

146. In summary, as alleged more fully above, Defendants Myers, Cleek, West, and Davis, acting individually, jointly, and in conspiracy, procured through unconstitutional means the only evidence putatively implicating Plaintiff in the crime, *i.e.*, the identifications made by Ms. Hill and Mr. Braden.

147. Defendants then unconstitutionally bolstered identifications they knew to be unreliable by fabricating evidence to falsely inculcate Plaintiff, intentionally avoiding investigation that would exonerate Plaintiff, and suppressing evidence that undermined the notion that Plaintiff committed the crime.

148. Defendants acted with malice and deliberate indifference to Plaintiff's constitutional rights.

149. In the foregoing manner, Defendants Myers, Cleek, West, and Davis initiated Plaintiff's prosecution.

150. Absent the unconstitutionally obtained and unreliable evidence, the proceedings were initiated against Plaintiff without probable cause.

151. As a consequence of the criminal prosecution, Plaintiff suffered a deprivation of liberty apart from his initial seizure.

152. Plaintiff's criminal prosecution ultimately terminated in his favor in a manner indicative of his innocence.

153. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

154. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

COUNT II:

**VIOLATION OF DUE PROCESS CLAUSE OF THE FOURTEENTH
AMENDMENT TO THE UNITED STATES CONSTITUTION:**

**UNLAWFUL SUPPRESSION OF EVIDENCE/*BRADY* VIOLATION
(AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS)
(42 U.S.C. § 1983)**

155. Each paragraph of this Complaint is incorporated as if fully set forth herein.

156. In summary, as more fully alleged above, Defendants Myers, Cleek, West, and Davis routinely withheld exculpatory, material evidence from the defense.

157. The withheld evidence includes the fact that Mr. Burrows' wallet was found on his person after the crime was committed.

158. That the wallet was actually recovered on Mr. Burrows' person would have completely refuted the prosecution's theory against Plaintiff, *i.e.*, that the motive for the crime was a robbery.

159. The withheld evidence also includes, as alleged above, statements from several witnesses implicating other potential suspects.

160. The withheld evidence also includes evidence of Kermit's connection to the victims and the scene, including his fingerprint on Mr. Burrows' car door and wallet.

161. Had the foregoing evidence been disclosed, Plaintiff would not have been convicted.

162. Defendants acted with malice and deliberate indifference to Plaintiff's constitutional rights.

163. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

164. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages as set forth above.

COUNT III:

**VIOLATION OF THE DUE PROCESS
CLAUSE OF THE FOURTEENTH AMENDMENT
TO THE UNITED STATES CONSTITUTION:**

**FABRICATION OF EVIDENCE
(AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS)
(42 U.S.C. § 1983)**

165. Each paragraph of this Complaint is incorporated as if fully set forth herein.

166. In summary, as more fully alleged above, Defendants Myers, Cleek, West, and Davis acting individually, jointly, and in conspiracy, fabricated evidence later offered at Plaintiff's trial.

167. Defendants knowingly fabricated evidence and that false evidence affected the decision of the jury.

168. Defendants thereby rendered Plaintiff's court remedy ineffective, violating Plaintiff's constitutional right to access to the courts.

169. Defendants acted with malice and deliberate indifference to Plaintiff's constitutional rights.

170. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

171. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages as set forth above.

COUNT IV:

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH
AMENDMENT TO THE UNITED STATES CONSTITUTION:**

**CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS
(AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS)
(42 U.S.C. § 1983)**

172. Each paragraph of this Complaint is incorporated as if fully set forth herein.

173. In summary, as more fully alleged above, Defendants Myers, Cleek, West, and Davis, acting in concert with each other, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and therefore to deprive him of his constitutional rights, all as described in this Complaint.

174. In doing so, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability depriving Plaintiff of these rights.

175. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

176. Defendants acted with malice and deliberate indifference to Plaintiff's constitutional rights.

177. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

178. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages as set forth above.

COUNT V:

**FAILURE TO INTERVENE
(AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS)
(42 U.S.C. § 1983)**

179. Each paragraph of this Complaint is incorporated as if fully set forth herein.

180. In the manner described more fully above, during the constitutional violations described herein, one or more of Defendants Myers, Cleek, West, and Davis stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even having the opportunity to do so.

181. Defendants acted with malice and deliberate indifference to Plaintiff's constitutional rights.

182. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

183. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages as set forth above.

COUNT VI:

**SUPERVISORY LIABILITY
(AGAINST DEFENDANT MYERS AND CLEEK)
(42 U.S.C. § 1983)**

184. Each paragraph of this Complaint is incorporated as if fully set forth herein.

185. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of the supervisory defendants, including Defendants Cleek and Myers, or when they were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's rights.

186. Defendants Cleek and Myers were aware of and facilitated, condoned, and oversaw the unconstitutional measures used by other Defendants to obtain Defendant Davis; Mr. Braden; Ms. Hill and Ms. White's false testimony, or were deliberately, willfully, or recklessly indifferent to their subordinates' unconstitutional tactics.

187. Further, Defendants Cleek and Myers were aware of and facilitated, condoned, oversaw, and participated in the withholding of exculpatory evidence, including but not limited to Mr. Burrows' wallet with Kermit's fingerprint; Mr. Kermit's print on Ms. Hill's vehicle; and numerous police reports including those interviewing potential suspects and that which stated the reason Defendants targeted Plaintiff.

188. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff was arrested, prosecuted, and convicted of a crime he did not commit.

189. As a further direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages as set forth above.

COUNT VII:

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
TENNESSEE LAW CLAIM**

190. Each paragraph of this Complaint is incorporated as if fully set forth herein.

191. In the manner described more fully above, Defendant Officers, acting individually, jointly, and in conspiracy with each other, intentionally or recklessly engaged in extreme and outrageous conduct that caused Plaintiff serious, severe emotional distress as well as bodily harm.

192. Defendant Officers' misconduct was the actual and proximate cause of Plaintiff's emotional distress and bodily harm.

193. Defendants were acting under color of law and within the scope of their employment when they took these actions.

194. Through Tenn. Code Ann. § 8-8-302, Defendant Grundy County Government is liable as principal for all torts committed by its employees or agents, including the misconduct by Defendant Officers described in this Count.

195. As a direct and proximate result of Defendants' actions, Plaintiff's constitutional rights were violated and he suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages set forth above.

COUNT VIII:

MALICIOUS PROSECUTION TENNESSEE LAW CLAIM

196. Each paragraph of this Complaint is incorporated as if fully set forth herein.

197. In the manner described more fully above, Defendant Officers, acting individually, jointly, and in conspiracy with each other, instituted or continued the

prosecution of Plaintiff without probable cause. As a consequence of the criminal prosecution, Plaintiff was unlawfully seized, deprived of liberty, and wrongfully convicted of a crime for which he is innocent. Plaintiff's criminal prosecution was terminated in his favor in a manner indicative of innocence.

198. Defendant officers accused Plaintiff of criminal activity of knowing those accusations to be without genuine probable cause, and they made statements to prosecutors with the intent of exerting influence to institute and continue the judicial proceedings.

199. Statements of the Defendants regarding Plaintiff's alleged culpability were made with knowledge that such statements were false. In so doing, Defendants fabricated evidence and withheld exculpatory information.

200. Defendants were acting under color of law and within the scope of their employment when they took these actions.

201. Through Tenn. Code Ann. § 8-8-302, Defendant Grundy County Government is liable as principal for all torts committed by its employees or agents, including the misconduct by Defendant Officers described in this Count.

202. As a direct and proximate result of Defendants' actions, Plaintiff's constitutional rights were violated and he suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages set forth above.

COUNT IX:

CIVIL CONSPIRACY - TENNESSEE LAW CLAIM

203. Each paragraph of this Complaint is incorporated as if fully set forth herein.

204. In the manner described above, Defendants acting in concert with each other in a malicious combination, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

205. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity including but not limited to the malicious prosecution of Plaintiff and the intentional infliction of emotional distress upon him.

206. Defendants were acting under color of law and within the scope of their employment when they took these actions.

207. Through Tenn. Code Ann. § 8-8-302, Defendant Grundy County Government is liable as principal for all torts committed by its employees or agents, including the misconduct by Defendant Officers described in this Count.

208. As a direct and proximate result of Defendants' actions, Plaintiff's constitutional rights were violated and he suffered injuries and damages, including but not limited to the loss of liberty, physical sickness and injury, emotional pain and suffering, lost wages from his job, and other grievous and continuing injuries and damages set forth above.

COUNT X:

NEGLIGENCE - TENNESSEE LAW CLAIM

209. Each paragraph of this Complaint is incorporated as if fully set forth herein.

210. Defendants had a duty to disclose favorable evidence to Plaintiff and his counsel.

211. Defendants had a duty to administer a full and complete investigation of the criminal case that was brought against Plaintiff.

212. Defendants failed to disclose favorable evidence to Plaintiff and his counsel.

213. Defendants failed to administer a full and complete investigation of the criminal case that was brought against Plaintiff.

214. Defendants' failures are a breach of their duty owed to Plaintiff and others similarly situated.

215. Defendants' failure to disclose favorable evidence to Plaintiff and failure to administer a full and complete investigation of the criminal case directly and proximately cause Plaintiff to suffer damages.

216. Defendant Grundy County Government had a duty to promulgate policies that ensured Plaintiff and others similarly situated were guaranteed protections provided for by the United States Constitution.

217. Defendant failed to promulgate such constitutional policies.

218. Defendant's failure to promulgate constitutional policies directly and proximately caused Plaintiff to suffer serious harm.

COUNT XI:

TENN. CODE ANN. § 8-8-302- TENNESSEE LAW CLAIM

219. Each paragraph of this Complaint is incorporated as if fully set forth herein.

220. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees and agents of Defendant Grundy County Government, acting at all relevant times within the scope of their employment.

221. While committing the acts alleged in the preceding paragraphs, the behavior of Defendants was calculated to facilitate and/or promote the business for which they were employed by their employer, Defendant Grundy County Government.

222. Defendant Grundy County Government is liable as principal for all torts committed by its agents.

COUNT XII:

INDEMNIFICATION - TENNESSEE LAW CLAIM

223. Each paragraph of this Complaint is incorporated as if fully set forth herein.

224. Tennessee law provides that Defendant Grundy County Government is directed to pay any tort judgment for compensatory damages for which its employees are liable within the scope of their employment activities.

225. Defendant Officers were employees of Defendant Grundy County Government and acted within the scope of their employment at all times relevant in committing the actions and omissions described herein.

RELIEF REQUESTED

WHEREFORE, the Plaintiff requests relief as follows:

- 1) An award of nominal, punitive, compensatory, and presumed damages for each violation of Plaintiff's constitutional rights;
- 2) Awarding Plaintiff his attorney and expert witness fees and all other costs of litigation pursuant to 42 U.S.C. §1988, and under other applicable law;
- 3) Pre-judgment and post judgment interest;
- 4) The right to conform the pleadings to the proof and evidence presented at trial; and
- 5) Such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

By: /s/ *Robin Ruben Flores*

ROBIN RUBEN FLORES

TENN. BPR #20751

GA. STATE BAR #200745

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