

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JEFFERY DALE MARTIN,	§	
<i>Plaintiff</i>	§	
V.	§	CIVIL ACTION NO. 2:24-CV-434
	§	
RONALD “CUTTER” CLINTON	§	
<i>Defendant</i>	§	JURY DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff, Jefferey Dale Martin (“Plaintiff” or the “Mr. Martin”), files this Complaint and would respectfully show the Court as follows:

NATURE OF THE CASE

1. This is a case about an elected government official unlawfully retaliating against a political opponent in violation of the First Amendment of the United States Constitution.

PARTIES

2. Plaintiff Jefferey Dale Martin is a 20-year law enforcement veteran and master peace officer. Mr. Martin resides in Gary, Panola County, Texas.

3. Defendant Ronald “Cutter” Clinton (“Defendant Clinton” or “Clinton”) is the current Sheriff of Panola County, Texas. Defendant Clinton may be served with process at his usual place of business 314 W. Wellington Carthage, Texas 75633.

4. At this time, Plaintiff sues Defendant Clinton in his individual capacity only. Plaintiff is not suing Panola County at this time.

JURISDICTION AND VENUE

5. Pursuant to 28 U.S.C. §§ 1331 and 1343, this Court has federal question jurisdiction because the action is brought pursuant to 28 U.S.C. § 1983 for violations of Plaintiff's rights guaranteed to him under the United States Constitution.
6. Venue is proper in the U.S. District Court for the Eastern District of Texas pursuant to 28 U.S.C. §1391(b) because the unlawful practices alleged below were committed therein.

CONDITIONS PRECEDENT

7. All conditions precedent have been performed or have occurred.

FACTS

A. Prelude

8. Defendant Clinton's father, Ronald Clinton, was a former Sheriff of Panola County. On February 23, 2013, less than two months after assuming the office, Ronald Clinton was arrested by the Texas Rangers and the FBI for tampering with a government record, official oppression, and theft by a public servant.¹ In May 2013, visiting State District Judge Diane DeVasto removed Ronald Clinton from office. The County Commissioners then appointed Kevin Lake as the acting Sheriff. Sheriff Lake was then elected Sheriff in 2016 and re-elected in 2020.
9. In May 2021, Sheriff Lake retired before the end of his term. Following Sheriff Lake's retirement, Panola County Commissioners appointed then-Panola County Sheriffs Captain Sarah Fields as the acting Sheriff. Acting Sheriff Fields and Defendant Clinton then ran in a special election for the remainder of Sheriff Lake's term.
10. On March 1, 2022, Defendant Clinton defeated Sheriff Fields in the Republican primary. Defendant Clinton took office as Sheriff on November 26, 2022.

¹ Then Panola County Sheriffs Lieutenant Tina McMullen, Mr. Martin's wife, booked Ronald Clinton into the Panola County Jail after his arrest following his arrest.

11. Upon assuming the office of Sheriff in November, Defendant Clinton embarked on a campaign of retaliation against anyone he perceived as having supported Sheriff Fields or that had anything to do with his father's removal as Sheriff almost a decade earlier. Among those Defendant Clinton targeted was then jail administrator Lt. Tina McMullen for having supported Sheriff Fields. Lt. McMullen is the wife of Mr. Martin. At the time, Mr. Martin was a Deputy Sheriff with the Panola County Sheriff's Office.

B. Mr. Martin decided to run for Sheriff; Defendant Clinton immediately retaliates against Mr. Martin and anyone who supported Mr. Martin or that Defendant Clinton perceived to support Mr. Martin.

12. In or around October 2023, Mr. Martin announced that he was going to challenge Defendant Clinton in the March 2024 Republican Primary for Panola County Sheriff. At the time, Mr. Martin was a Deputy Sheriff with the Panola County Sheriff's Office.

13. Mr. Martin then began campaigning against Defendant Clinton. Mr. Martin made public statements, on his off-duty time, critical of Defendant Clinton—a public official—and his administration of the Panola County Sheriff's Office.

14. On or about January 2, 2024, Defendant Clinton told several Panola County Commissioners that regardless of the election outcome he was firing Mr. Martin and Lt. McMullen after the election. Then, on January 4, 2024, Defendant Clinton notified TCOLE that he was no longer hold Mr. Martin's jailer's commission. The revocation limited the scope of responsibilities for Mr. Martin and prevented him from earning higher levels of certification.

15. During the election campaign, Defendant Clinton threatened many Sheriff's Office employees that he perceived as supporting Mr. Martin. Defendant Clinton, and his subordinates, told Sheriff's Office employees that they were prohibited from placing campaign for Mr. Martin at their private residences.

16. At least one Panola County Sheriff's Office employee was confronted because her husband supported Mr. Martin. That employee was told there would be consequences for her.

17. Defendant Clinton also attempted to have another one of Mr. Martin's supporters removed as a local volunteer firefighter.

18. On January 9, 2024, the undersigned counsel sent a letter to Panola County Judge Rodger McLane advising him and Panola County that Defendant Clinton was engaging in retaliation. County officials and attorneys then met Defendant Clinton and advised him to stop retaliating against Mr. Martin and his supporters. Defendant Clinton was defiant and reportedly declared to several county officials that "I am the Sheriff! I can do what I want!"

19. In December 2023, Defendant Clinton notified that Mr. Martin was being reassigned from Deputy Sheriff overseeing inmate labor to Deputy Sheriff assigned to County License and Weights Enforcement. The Panola County Commissioners had previously entered a Memorandum of Understanding ("MOU") with the Texas Department of Public Safety whereby Panola County would provide a law enforcement officer to serve as a license and weights officer reporting to the County Commissioners. As part of the MOU, the Panola County Sheriff's Office would continue to carry Mr. Martin's TCOLE commission—a requirement for the position.

C. Following the March Primary, Defendant Clinton retaliated as promised.

20. On March 5, 2024, Defendant Clinton defeated Mr. Martin in the Republican Primary Election for Sheriff in which only 29% of eligible Panola County voters participated.

21. Within a week of the election, Defendant Clinton removed a reserved deputy and the Sheriff's Office Chaplain who had supported Mr. Martin.

22. In April 2024, DPS provided Defendant Clinton with an MOU renewal. Defendant Clinton refused to sign the MOU renewal.

23. On May 15, 2024, Defendant Clinton issued an F-5 to Mr. Martin meaning that the Panola County Sheriff's Office was no longer holding Mr. Martin's TCOLE commission. Defendant Clinton sent a letter to Judge McLane the next day stating, "Please record the separation of Jeff Martin's Peace Officer Commission from the Panola County Sheriff's Office effective May 15, 2024."

24. Without an active TCOLE commission, Mr. Martin could not perform his job duties and was placed on temporary, paid leave while the Commissioner "try and figure it out."

25. On May 30, 2024, Judge McLane provided a letter to Mr. Martin stating that:

As you know, Sheriff Clinton has ceased to hold your TCOLE license effective May 15th. Furthermore, per a letter from Texas DPS dated May 14th signed by Captain Omar Villareal, the Sheriff failed or refused to sign an amended Memorandum of understanding with the department to continue your .office's operations.

Therefore, because of these decisions by the Sheriff's Office without consultation with myself or the Commissioners, the purpose and design of your job is effectively prevented and quashed.

At this time, I see no way to preserve your job as the sole purpose is defeated by outside forces.

26. To their credit, Judge McLane requested, and the Panola County Commissioners approved transferring Mr. Martin from License and Weight Enforcement to Courthouse Security. As a Courthouse Security officer, Mr. Martin's TCOLE commission will be carried by another Panola County agency.

LEGAL CLAIMS

27. As noted by the Supreme Court of the United States, "public employees do not renounce their citizenship when they accept employment, and this Court has cautioned time and again that public employers may not condition employment on the relinquishment of constitutional rights."

Lane v. Franks, 573 U.S. 228 (2014).

COUNT ONE – VIOLATION OF FIRST AMENDMENT RIGHTS TO FREE EXPRESSION

28. Mr. Martin, a public employee, was declared candidate for Panola County Sheriff in the March 5, 2024 Republican Primary Election.

29. The United States Court of Appeals for the Fifth Circuit has held that a public employee’s candidacy for public office is a protected activity under the First Amendment. *Phillips v. City of Dallas*, 781 F.3d 772, 778 (5th Cir. 2015) (This court has been unequivocal in its recognition of a First Amendment interest in candidacy.”); *Jordan v. Ector Cnty.*, 516 F.3d 290, 297 (5th Cir. 2008). Indeed, the Fifth Circuit has noted that running for public office “involve[s] protected First Amendment activity across multiple planes.” *Jordan*, 516 F.3d at 297.

30. Here, Mr. Martin engaged in a protected activity when he declared his candidacy for Sheriff and sought elected office against Defendant Clinton. *E.g.*, *Phillips*, 781 F.3d at 778; *Jordan*, 516 F.3d at 297.

31. Defendant Clinton in turn retaliated against Mr. Martin by revoking Mr. Martin’s jailer’s certificate in January 2024 and then issuing Mr. Martin an F-5 and refusing to hold his TCOLE commission.

32. Defendant Clinton actions were done under color of law and in his capacity as Sheriff.

33. Defendant Clinton told multiple county officials that he intended to retaliate against Mr. Martin—and others. County officials repeatedly told Defendant Clinton not to retaliate against Mr. Martin and that Mr. Martin had First Amendment protections. In fact, Mr. Martin’s attorney even sent a letter to the County Judge advising them of retaliation. Defendant Clinton still retaliated.

34. The retaliatory actions of Defendant Clinton caused Mr. Martin injuries and damages that would chill a person of ordinary firmness.

35. Defendant Clinton's retaliatory actions were substantially motivated by Mr. Martin's exercise of his First Amendment rights.

COUNT TWO – VIOLATION OF FIRST AMENDMENT RIGHTS TO FREE SPEECH

36. Mr. Martin, a public employee, engaged in protected speech while campaigning for Sheriff against Defendant Clinton. *See Connick v. Meyer*, 461, U.S. 138, 146 (1983); *Jordan v. Ector Cnty.*, 516 F.3d 290, 295 (5th Cir. 2008)

37. Mr. Martin's speech about Defendant Clinton—an elected public official—and his administration was on a topic concern. Specifically, the speech concerned Defendant Clinton's conduct as Sheriff, his tenure as Sheriff, and his management of the Sheriff's Office.

38. Defendant Clinton retaliated against Mr. Martin—and others—by revoking Mr. Martin's jailer's certificate in January 2024 and then issuing Mr. Martin an F-5 and refusing to hold his TCOLE commission.

39. Defendant Clinton actions were done under color of law and in his capacity as Sheriff.

40. The retaliatory actions of Defendant Clinton caused Mr. Martin injuries and damages that would chill a person of ordinary firmness.

41. Defendant Clinton's retaliatory actions were substantially motivated by Mr. Martin's exercise of his First Amendment rights.

NO QUALIFIED IMMUNITY

42. Defendant Clinton is not entitled to qualified immunity because his retaliatory actions were objectively unreasonable based on clearly established law. *See Phillips*, 781 F.3d at 778; *Jordan*, 516 F.3d at 295-96 (“It is now a rote principle of constitutional law that public employees do not surrender all their First Amendment rights by reason of their employment.”); *Polk v. Sinegal*, 714 Fed. Appx. 457, 458 (5th Cir. 2018) (denying qualified immunity to a public official who fired a

subordinate for running for public office). In fact, the Fifth Circuit has recognized First Amendment protections to candidacy for public office in the public employment context since 1992—over 30 years. *See Click v. Copeland*, 970 F.2d 106, 112 (5th Cir. 1992); *accord Polk*, 714 Fed. Appx. At 459.

REQUEST FOR PERMANENT INJUNCTIVE RELIEF

43. Mr. Martin seeks a permanent injunction from this Court prohibiting Defendant Clinton and his subordinates from retaliating and continuing to retaliate against him for their exercise of his First Amendment Rights.

DAMAGES

44. Plaintiff seeks to recover the following damages:
- a. Past economic damages for lost wages;
 - b. Future economic losses in the form of future lost earnings and loss of earning capacity;
 - c. Damages for past and future emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life; and
 - d. Punitive or exemplary damages for Defendant Clinton’s intentional and malicious violation of Plaintiff’s constitutional rights.

ATTORNEY’S FEES

45. Plaintiff seeks to recover their reasonable and necessary attorney’s fees to protect their constitutional rights. *See* 42 U.S.C. § 1988.

INTEREST AND COURT COSTS

46. Plaintiff seeks to recover prejudgment and post-judgment interest at the highest lawful rate.
47. Plaintiff seeks to recover his court costs.

JURY TRIAL DEMAND

48. Plaintiff demands a jury trial.

PRAYER

WHEREFORE, Plaintiff respectfully pray for judgment against Defendant for the following:

- a. Economic damages;
- b. Non-Economic damages;
- c. Punitive or exemplary damages;
- d. Permanent injunction;
- e. Declaratory judgment;
- f. Attorneys' fees and costs;
- g. Prejudgment and post-judgment interest;
- h. Court costs; and
- i. Such other and further relief, at law or in equity, to which Plaintiff may show himself justly and lawfully entitled.

Respectfully submitted,

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JAMES, PLLC,**



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