

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

C. RYAN PAYNE.

Plaintiff,

v.

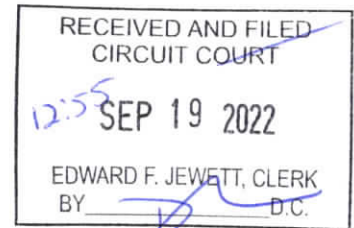
HANOVER COUNTY NAACP, UNIT 7076B

And

PATRICIA HUNTER-JORDAN,

Defendants.

Case No: _____



COMPLAINT

Plaintiff C. Ryan Payne ("Plaintiff"), by counsel, states as follows for his Complaint against defendants Hanover County NAACP, Unit 7076B, a/k/a the Hanover Branch of the NAACP (the "Hanover County NAACP") and Patricia Hunter-Jordan.

NATURE OF ACTION

1. This is an action for defamation. On February 21, 2022, Patricia Hunter-Jordan, President of the Hanover County NAACP, stood in front of microphones and cameras at a press conference and, with the Hanover County courthouse prominently featured behind her, falsely labeled Ryan Payne as a law enforcement officer who violated the civil rights of citizens. Prompted by no governmental requirements or inquiries, going well outside the context of a typical public forum (such as a City Council Meeting), and eschewing any private communications with governmental authorities, Hunter-Jordan told the viewing public in reference to Payne: "We are concerned with some injustices that are occurring here in Hanover County." She then called for a formal investigation into all of Payne's cases, clearly implying he had acted unlawfully.

2. Hunter-Jordan's press-conference comments echoed false statements she made about Payne, on behalf of the Hanover County NAACP, just a day earlier in a letter she sent to R.E. "Trip" Chalkley, III, the Commonwealth's Attorney for Hanover County. In that letter, Hunter-Jordan expressly asked the Commonwealth's Attorney's office to investigate "all cases brought before the courts involving . . . Ryan Payne" because, according to her, she had been told that Payne was "violating . . . rights" and "filing false charges" against Hanover County citizens. She also falsely accused Payne of engaging in a "pattern of misbehavior" and being a "bad apple."

3. All of Hunter-Jordan's claims about Payne are false. He has never filed false charges against anyone, has never engaged in a "pattern of misbehavior" and has never violated the civil rights of any Hanover County citizens. Just as important, he has never engaged in any kind of criminal or unlawful behavior in his capacity as a Sheriff's Deputy, as falsely implied by Hunter-Jordan. He has, however, suffered substantial reputational harm from these false accusations, and he now brings this lawsuit against Defendants to hold them liable for the wrongdoing.

PARTIES

4. Payne is an individual resident of Mechanicsville, Virginia.

5. Defendant Hanover County NAACP is a non-profit organization located in Hanover County, Virginia.

6. Defendant Hunter-Jordan is the President of the Hanover County NAACP and, upon information and belief, is an individual resident of Hanover County, Virginia.

JURISDICTION AND VENUE

7. Personal and subject matter jurisdiction are proper in this Court pursuant to, among other things, Va. Code § 8.01-328.1(A)(4) and the common law of Virginia.

8. Venue is proper in this Court on various grounds, including (i) pursuant to Va. Code § 8.01-262(3) because the Hanover County NAACP regularly conducts affairs and business activity within the City of Richmond (including for example, regularly commenting on Virginia politics); and (ii) pursuant to Va. Code § 8.01-262(4), because the causes of action stated herein, or any part thereof, arose within the City of Richmond (particularly since it is the physical location of both the Richmond Times-Dispatch and WTVR, both of which broadcast and/or published the false statements at issue in this lawsuit) and one of the areas where the false allegations against Payne were prominently published by the Richmond Times-Dispatch, WTVR, and WRIC.

FACTUAL BACKGROUND

9. Payne worked for the Hanover County Sherriff's Office ("HCSO") from 2015 through December 2021. At the time of the end of his employment with the HCSO, Payne worked as a Master Sheriff's Deputy.

10. During the time of his employment, Payne received numerous accolades and commendations. The HCSO named him "Officer of the Month" at least six different times, chose him as its "Officer of the Year" for 2017 and 2019, and nominated him for the Virginia Sheriff's Association's "Deputy of the Year" Award in April of 2020.

11. Payne also repeatedly received high praise at the HCSO. For example, when he applied for a promotion in 2020, Payne's supervisor wrote: "Payne is an exceptional member of the Sheriff's Office who continues to expand his knowledge, skills, and abilities to increase his value to the organization." Similarly, when it nominated him for statewide recognition with the Virginia Sheriff's Association in 2020, the HCSO said that Payne "was committed to serving the citizens of Hanover County and the work he performs daily makes Hanover County a safer place to live and work."

12. Unfortunately, despite Payne's many accolades and successes at the HCSO, the HCSO concluded in the fall of 2021 that he had inaccurately completed some paperwork.

13. The HCSO allowed Payne to resign but also submitted his name for decertification to the Virginia Department of Criminal Justice Services ("DCJS").

14. Payne, despite his belief that the HCSO's inaccurate paperwork accusation was unfounded and/or exaggerated, decided not to appeal the decertification submission. Instead, he chose to move on to different employment, explore new potential career paths, and put his work at the HCSO behind him.

15. Payne, however, did not get the opportunity to put his HCSO employment behind him. Instead, the Defendants dragged him into the public spotlight and apparently decided to use the fact that he had been publicly named in a local television news story about his decertification to make a public – and false -- spectacle of his case work.

16. Specifically, just days after a WRIC¹ news story identifying Payne as one of many local law enforcement officials whose names had been submitted by their departments to the DCJS for decertification, Hunter-Jordan, on behalf of herself and the Hanover County NAACP, published a press release and placed it on the entity's Facebook Page. A copy of the press release is attached as **Exhibit A**.

17. The press release – titled "Hanover County NAACP Calls for Investigation Into All Cases Brought by Hanover Sheriff's Deputy C. Ryan Payne" and containing a link to the previous WRIC news story – said that the "Hanover County NAACP will host a press conference at 4:00 p.m., Monday, February 21, 2022 calling for the Hanover

¹ "WRIC" refers to the local ABC television affiliate in the Richmond, Virginia metropolitan area. See <https://www.wric.com> (visited on September 15, 2022). Among other things, it bills itself as "your source for local news and weather in Richmond and Central Virginia." *Id.*

Commonwealth's Attorney to investigate all cases brought by Hanover County Sheriff's Deputy C. Ryan Payne." It said that the conference would be held at the Hanover County courthouse and identified Hunter-Jordan as the relevant "MEDIA CONTACT."

18. Upon information and belief, Hunter-Jordan, on behalf of herself and the Hanover County NAACP, widely distributed the press release, including sending it to one or more local media organizations.

19. The next day, Hunter-Jordan, on behalf of herself and the Hanover County NAACP did indeed hold the referenced press conference. At that time, in front of cameras and microphones, Hunter-Jordan stood prominently in front of the U.S. flag on the Hanover County courthouse grounds and said – referring to Payne – "We are concerned with some **injustices** that are occurring here in Hanover County."

20. She then said that the Hanover County NAACP had received, and had been investigating, at least 30 complaints against Payne, which complaints accused Payne of filing false charges against citizens and violating their civil rights. She also expressly vouched for, and endorsed, those complaints, stating "We're here to **call attention** to the **fact** that these [negative] **things** [involving Payne] **are happening in Hanover** and we need **corrective action** . . . we need transparency." She closed her public comments by calling on the Hanover County Commonwealth's Attorney to investigate "all cases" brought before the courts by Payne.

21. These comments were widely reported in the local media, including, but not limited to, by WTVR.² WTVR is the local CBS affiliate for the Richmond, Virginia and is located at 3301 West Broad Street, within the City of Richmond, Virginia.

² <https://www.wtvr.com/news/local-news/hanover-naacp-calls-for-investigation-after-deputy-decertified> (visited on September 16, 2022).

22. Hunter-Jordan's press-conference comments echoed false statements she made about Payne, on behalf of the Hanover NAACP, just a day earlier in a letter she sent to Trip Chalkley, the Commonwealth's Attorney for Hanover County. In that letter, as she had done in her press conference, Hunter-Jordan expressly asked the Commonwealth's Attorney's office to investigate "all cases brought before the courts involving . . . Ryan Payne" and said she had been told that Payne was "violating . . . rights" and "filing false charges" against Hanover County citizens. She also falsely accused Payne of engaging in a "**pattern of misbehavior**" and being a "**bad apple**."

23. A copy of the letter is attached as **Exhibit B**.

24. Upon information and belief, Hunter-Jordan, on behalf of herself and the Hanover County NAACP, publicly distributed the letter during the press conference and either before or after the press conference. Among other things, upon information and belief, she distributed the letter to WRIC, which specifically referenced it in a news story it did about the press conference.

25. Hunter-Jordan also went further and attacked Payne in a letter to the editor, which letter was specifically referenced by the Richmond Times-Dispatch³ in a news story it published about her press conference on or about March 1, 2022.⁴ In that separate letter, Hunter-Jordan, on her own behalf and on behalf of the Hanover County NAACP, accused

³ Like WTVR, the Richmond Times-Dispatch's primary office facility is physically located within in the City of Richmond, at 300 E. Franklin St., Richmond, VA 23219. It also purports to reach more than "70% of the adults in the Richmond market every week." <https://richmond.com/advertise/#tracking-source=menu-nav> (visited on September 16, 2022).

⁴ https://richmond.com/community/mechanicsville-local/news/hanover-naacp-calls-for-investigation-into-decertified-deputy/article_8af21208-996d-11ec-b07d-bf711505f1e1.html (visited on September 15, 2022).

Payne of "taint[ing] the reputation" of the County's officers and said with reference to him: "If you or I lied about information on cases or on our jobs, we would be fired. Former Officer Payne was not terminated. He was allowed to resign." The clear implication from this statement is that Payne lied in the performance of his law enforcement duties at the HCSO.

26. All of Hunter-Jordan's claims -- written and oral -- about Payne are false. He has never filed false charges against anyone, has never lied in order to bring charges against anyone, has never engaged in a "pattern of misbehavior" and has never violated the civil rights of Hanover County citizens. Just as important, he has never engaged in any kind of criminal or unlawful behavior that would taint the reputation of officers while in his capacity as a Sheriff's Deputy for the HCSO, as falsely implied by Hunter-Jordan.

27. Hunter-Jordan's effort to make a public spectacle of Payne was little more than a publicity stunt, designed to get attention for her and the Hanover County NAACP. This is shown primarily by the fact that after Hunter-Jordan made her false statements about Payne, the Hanover County Commonwealth's Attorney's office reached out to her twice -- by voice mail and by letter -- to address her alleged concerns and allegations about Payne, but to no avail.

28. Indeed, in a February 25, 2022 letter to Hunter-Jordan, Trip Chalkley, specifically asked Hunter-Jordan to provide information -- to wit, the names of the individuals who allegedly contacted her about Payne, their contact information, and the specifics complaints they made -- about the allegations she had publicly made about Payne. He said such information "would be of great assistance, so I could meet with those people if required." A copy of the letter is attached as **Exhibit C**.

29. To date, however, neither Hunter-Jordan nor anyone else affiliated with the Hanover County NAACP has responded to these inquiries. Nor have they provided any facts or details that would substantiate any of the false allegations against Payne.

30. As a result of Defendants' false public statements about Payne, he has suffered substantial damages.

**COUNT I -- DEFAMATION
(AGAINST HANOVER COUNTY NAACP AND HUNTER-JORDAN)**

31. The allegations of paragraphs 1-30 are realleged as if fully set forth herein.

32. Payne has been defamed by the statements made and published by Hunter-Jordan (on her own behalf and on behalf of the Hanover County NAACP) that are specifically referenced and set forth in paragraphs 1-2, 17-19, and 22, and **Exhibit B** of the Complaint.

33. These include, but are not necessarily limited to:

- a. Defendants' statement at the press conference about Payne that "We are concerned with some injustices that are occurring here in Hanover County," which statement falsely implied that Payne is, or has been committing "injustices";
- b. Defendants' statement that they were holding the press conference and making their statements about Payne in order to "call attention to the fact that these things are happening in Hanover and we need corrective action," which statement was an express endorsement of the claims (made at the press conference and in **Exhibit B**) that Payne was filing false charges against citizens and violating their rights;
- c. Defendants' statement in **Exhibit B** that Payne was a "bad apple" and had engaged in a "pattern of misbehavior" -- both of which referred back to Defendants' false claim that Payne was filing false charges against citizens and violating their rights;

- d. Defendants repeated statements "calling for" or "asking for" an "investigation" into all cases brought before the courts involving" Payne by the Hanover County Commonwealth's Attorney's Office, directly implying that Payne had engaged in criminal and/or unlawful behavior based on the allegations they had received about his allegedly filing false charges and violating rights; and
- e. Defendants' statement in their letter to the editor that Payne was "tainting" the reputation of the "County's officers" and specifically accused him of lying "about information on cases."

34. These statements referenced in paragraphs 32 and 33 above were published and were made with the intent to defame Payne.

35. The statements at issue are false and purport to be statements of fact, not statements of opinion.

36. As well, the false statements all involve the efforts of Defendants to demean and disparage Payne and to falsely accuse him, both directly and by implication, of unprofessional occupational activities and unfitness to perform the duties of his job and criminal and unlawful behavior, and thus these statements constitute defamation *per se*.

37. As a proximate cause of the conduct of Defendants, Payne has suffered substantial compensatory damages, including as severe mental and emotional distress, reputational harm, loss of sleep, loss of income, humiliation, embarrassment, loss of time, and other damages.

38. In addition, the statements by Defendants were made intentionally, willfully, and maliciously against Payne and with utter and conscious disregard of his rights.

39. Finally, no privileges, qualified or absolute, attach to these statements, therefore, and Payne is also entitled to punitive damages in this matter. Indeed,

Defendants' statements were made as part of a press conference that was affirmatively set up and advertised by Defendants. The only conceivable purpose for the press conference was to gain gratuitous publicity and notoriety for Defendants, as opposed to genuinely raising legitimate concerns about Payne. Indeed, if Defendants had truly wished to raise valid concerns about Payne, they would have gone directly to the HCSO, rather than the press, the public, and the CA's office. Even more, if Defendants' concerns had been genuine or legitimate, they would have provided details of their alleged concerns when they were specifically asked to do so (twice!) by the Hanover County Commonwealth's Attorney's office.

WHEREFORE, Plaintiff requests this Honorable Court to:

- a. Accept jurisdiction of this case;
- b. Award Plaintiff compensatory damages against Defendants for humiliation, mental and emotional distress, and pain and suffering that he has experienced and endured as a result of the unlawful actions of Defendants towards him. Such damages shall be in an amount not to exceed ONE MILLION DOLLARS (\$1,000,000.00), the exact amount to be determined at trial;
- c. Award Plaintiff presumed damages against Defendants in an amount not to exceed ONE MILLION DOLLARS (\$1,000,000.00), the exact amount to be determined at trial;
- d. Award Plaintiff punitive damages against Defendants in an amount not to exceed THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00), the exact amount to be determined at trial;

- e. Grant Plaintiff pre-judgment and post-judgment interest on all damages awarded, to the maximum extent allowed by law;
- f. Grant such other and further relief as to the Court seems just and proper.

A TRIAL BY JURY IS DEMANDED.

C. RYAN PAYNE

By:



Richard F. Hawkins, III
Virginia Bar Number: 40666
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
(804) 308-3040 (telephone)
(804) 308-3132 (facsimile)
Email: rhawkins@thehawkinslawfirm.net

Counsel for Plaintiff



NAACP

Hanover County Branch

FOR IMMEDIATE RELEASE

February 20, 2022

Hanover County NAACP Calls for Investigation Into All Cases Brought by Hanover Sheriff's Deputy C. Ryan Payne

Hanover County NAACP will host a press conference at 4:00 p.m. Monday, February 21, 2022 calling for the Hanover Commonwealth Attorney to investigate all cases brought by Hanover Sheriff's Deputy C. Ryan Payne. The Press Conference will be held at the Hanover Court House.

Reference: <https://www.wric.com/news/local-news/146-virginia-police-officers-decertified-new-law-expands-to-include-excessive-force-and-lying/>

Press Conference DETAILS:

Date: Monday, February 21, 2022

Time: 4:00PM (All Media Please arrive at 3:30PM for set-up)

Location: Hanover County Courthouse

Address: 7530 County Complex Rd, Hanover, VA 23069

MEDIA CONTACT

Patricia Hunter-Jordan, President

presshannaacp@gmail.com

C: 804-505-4824

ABOUT THE HANOVER COUNTY NAACP

The Hanover County Branch was established in 1946 at the First Union Baptist Church in Mechanicsville, Virginia with the dream of having an organization dedicated to the realization of the principle of equality and justice for all. Through civil rights advocacy and community involvement we continue the struggle to achieve freedom, justice and dignity for all. Our strength is derived from the dedication and untiring efforts of our volunteers. Individual membership, fund raising activities and corporate sponsorship allows this organization to continue serving the community.

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Hanover County National Association for the Advancement of Colored People

P.O. Box 2112 • Mechanicsville, Virginia 23116-9998 • hanovernaacp2@gmail.com • www.hcnaacp.org

EXHIBIT A



NAACP

Hanover County Branch

February 20, 2022

R.E. Chalkley, III
Commonwealth's Attorney
P.O. Box 470
Hanover, VA 23069

Greetings Mr. Chalkley,

I apologize that this must be our first interaction. I do wish this initial communication was under better circumstances.

The Hanover NAACP has been informed of two issues in Hanover that we must address.

We are asking the Commonwealth Attorney's office to investigate, on behalf of several Hanoverians, all cases brought before the courts involving former Officer Christopher Ryan Payne. According to HCSO social media pages, Officer Payne had worked for Hanover County Sheriff Office since 2015 and was on multiple occasions named Officer of the Month and Officer of the Year. Some awards presented as recently as 3 months ago.

Our client reports tell a different story. They allege that former Officer Payne violated their rights, filing false charges against them. To our knowledge no corrective or disciplinary actions were taken by the Hanover County Sheriff's Office. In fact, Officer Payne was allowed to resign instead of being fired for these actions and a recent media report states he has, within the last two months, been decertified as a law enforcement officer for "reporting inaccuracies".

The lack of transparency with this issue is concerning coming from a sheriff's department that touts its self as one of the best with no complaints. Informing the public in the Shield newsletter would have at least been an attempt at transparency. Many of our citizens have been caused harm financially and in other ways by this officer. If he was rewarded on multiple occasions as the shining example of an officer we may have deeper issues than known.

We question why these actions were not noted by the department but a judge had to be the person who recognized the pattern of misbehavior? We question why this officer was allowed to resign instead of being fired? This brings us to why so many are calling for an end to qualified immunity. It is never the wrong time to do the right thing and the department allowing this "bad apple" to resign reflects on the integrity of the entire department.

Hanover County National Association for the Advancement of Colored People
P.O. Box 2112 • Mechanicsville, Virginia 23116-9998 • hanovernaacp2@gmail.com • www.hcbnaacp.org

EXHIBIT B



NAACP

Hanover County Branch

Mr. Chalkley I was asked by reporters if we trusted you to do a fair and honest investigation of all cases since you work so closely with the Sheriff's department. My response was we have faith that Mr. Chalkley will not collude and contaminate this investigation in anyway. If we were to find out that this is not the case we would be forced to call for an external investigation.

Our second issue involves several complaints that have come to us regarding SROs in our schools. We are sure Sheriff Hines' Budget Report rightly reflected charges filed. However, we are seeing referrals to families by SROs to place charges against minority students that exceed the circumstances or that cannot be legally documented. With the population of students in Hanover schools who are people of color only about 20% are minority students. Yet, the charge rate averages around 28%. The report provided by Colonel Hines only indicated charge data it was not inclusive of accusations suggested by SROs that may include suspensions that are unwarranted, or other disciplinary actions with no proof of wrongful actions on the part of the students. Our concern is the adverse effect this has on our students' school records, including the possibility that teachers will perceive these students going forward as problem students.

We are additionally concerned that SROs are violating the rights of students by not informing the students that they can refuse questioning until a parent or guardian is present. This is why we lodged an objection to this MOU initially and it was signed despite our objection.

Along with the investigation we are asking for additional external training for all officers on fair and impartial policing and additional training for SROs. As we shared with the reporters we support all of our officers, however, we do not support bad actors in the department nor do we support perceived lack of transparency. None of us are perfect and we must stop pretending to be so.

We look forward to hearing from you with the results of the investigation, and additional external training requests. It is our desire to we work together toward the same goal which should be Justice applied equitably toward all in Hanover County.

Patricia Hunter-Jordan
Patricia Hunter-Jordan, President

Hanover County NAACP

P.O. Box 2112

Mechanicsville, VA. 23116

(804) 7303618

*Skipper left voicemail
2/24/22*

Commonwealth of Virginia



COUNTY OF HANOVER
OFFICE OF THE COMMONWEALTH'S ATTORNEY

February 25, 2022

Patricia Hunter- Jordan, President
Hanover County NAACP.
PO Box 2112
Mechanicsville, VA 23116

Dear President Hunter-Jordan,

Thank you for your letter of February 20, 2022. I am aware that my Chief Deputy, Shari Skipper, left you a telephone message requesting certain information that would be helpful should an investigation be undertaken. Please be aware that unless given specific statutory authority, my office is primarily concerned with the prosecution of criminal offenses in Hanover County. All investigations are conducted by the various law enforcement agencies that serve Hanover County, as my office has no investigators.

To assist in any possible investigation, I would need the name and contact information of the people who contacted you with complaints about the officer in question. I believe in your press conference or release, you stated your organization had been contacted by about 30 people with complaints about the officer in question. Those names, contact information, and specific complaints, would be of great assistance so I could meet with those people if required.

Please be aware that both I and Ms. Skipper had met with Sheriff Hines about the interactions at his request. His detailed review of the investigation conducted by his office satisfied me that the appropriate steps were taken. No individual was wrongfully convicted and, indeed Ms. Skipper made certain one person's charge was dismissed. I will be happy to again review and/or investigate any alleged criminal activity, once I receive the information I have requested from you.

I am uncertain what you are asking of me regarding the second issue you raise. Your letter, to me, does not allege any instance of criminal activity that would warrant prosecution. I may not be comprehending fully what your complaint is, so please contact me at (804) 365-6186, my direct line, so we may speak.

R. E. (TRIP) CHALKLEY, III, COMMONWEALTH'S ATTORNEY
P.O. Box 470, Hanover, VA 23069-0470
(804) 365-6185 • Fax (804) 365-6295
Victim Witness Coordinator: (804) 365-6068

EXHIBIT C

I appreciate your desire to work together so justice will be equitably toward all of Hanover County.

Yours very truly,

A handwritten signature in cursive script, appearing to read "RE Chalkley, III". The signature is written in dark ink and is positioned above the printed name.

Ramon E. Chalkley, III

EXHIBIT C