



6. On information and belief Jarrod Mahurin had a personal, sexual, relationship with Leona Bates, prior to and after January 8, 2014. Jarrod Mahurin took the actions against Plaintiff that are described below because of his personal, sexual, relationship with Leona Bates. On information and belief Leona Bates persuaded Jarrod Mahurin to take these actions against Plaintiff that were not warranted because she sought revenge against Plaintiff, and she was able to do that because of her personal and sexual relationship with Jarrod Mahurin.

7. On information and belief Jarrod Mahurin had a personal, sexual, relationship with Spring Henson Gray (now Spring Kelly) prior to and after January 8, 2014. Jarrod Mahurin took the actions against Plaintiff that are described below because of his personal, sexual, relationship with Spring Henson Gray. On information and belief Spring Henson Gray persuaded Jarrod Mahurin to take these actions against Plaintiff that were not warranted because she sought revenge against Plaintiff, and she was able to do that because of her personal and sexual relationship with Jarrod Mahurin.

8. Plaintiffs' attorney received an anonymous letter on about March 29, 2017 with respect to Jarrod Mahurin. A copy is attached as Exhibit B and incorporated herein by reference. Exhibit B also states that Spring Henson Gray slept with Plaintiff's husband.

9. Plaintiffs' attorney received a second anonymous letter on about September 25, 2017 about Jarrod Mahurin. A copy is attached as Exhibit C and incorporated herein by reference. Exhibit C also states that Jarrod

Mahurin had a sexual relationship with Leona Bates and that all of the attorneys in the prosecutor's office knew about it.

10. On about July 18, 2018 the Riverfront Times published an article about Jarrod Mahurin listing several additional witnesses, named and unnamed, with respect to Jarrod Mahurin. A copy is attached as Exhibit D and incorporated herein by reference. The newspaper article alleges sexual relationships between Jarrod Mahurin and several members of his staff, including Spring Henson Gray. The named witnesses include Lisa Davidson and Stephanie Williams.

11. During June and July 2018 Plaintiffs' attorney also received additional information from several prospective witnesses about the relationship between Jarrod Mahurin and Leona Bates and between Jarrod Mahurin and Spring Henson Gray.

12. On about January 8, 2014 Jarrod Mahurin signed a complaint against Plaintiff, under oath, charging Plaintiff with aggravated stalking of Leona Bates, a class D felony. A copy of the Complaint and attached probable cause statement signed by Donald Duncan is attached hereto as Exhibit A, in four pages, and incorporated herein by reference.

13. Jarrod Mahurin's activities in signing the sworn Complaint (Exhibit A) under oath are administrative and investigatory functions, not prosecutorial functions, for which Defendant is not entitled to absolute prosecutorial immunity. Buckley vs. Fitzsimmons 509 U.S. 259, 273-76 (1993); Kalina vs. Fletcher 522 U.S. 118, 126-30 (1997).

14. On and after November 2013 Leona Bates initiated a campaign to discredit Plaintiff and to seek revenge for the disclosure of her infidelity with Plaintiff's (then) husband, by persuading her network of friends, Dennis Smith, David Kennedy, Daniel Bullock, Spring Henson Gray, Donald Duncan and Rick Baker, who were all public employees of the City of Farmington and St. Francois County, and Defendant Jarrod Mahurin, to falsely arrest Plaintiff and falsely charge Plaintiff with stalking Leona Bates. Leona Bates then continued her campaign to discredit Plaintiff, with the assistance of Defendant Jarrod Mahurin, by arranging to falsely charge Plaintiff with driving while intoxicated, and then using that false charge to revoke Plaintiff's bond on the aggravated stalking charge, and by then falsely charging Plaintiff with assaulting Eric McKorkel, a friend of Plaintiff, and using that false charge to revoke Plaintiff's probation on the aggravated stalking charge, and to deny Plaintiff bail while the aggravated stalking charges were pending.

15. Plaintiff was arrested on the aggravated stalking charge on about January 9 or 10, 2014. She was released on a \$10,000.00 bond.

16. On about January 11, 2014 Plaintiff was in the Casa Sole Restaurant in Farmington, Missouri, with friends. Two police officers, including Donald Duncan, were waiting for Plaintiff outside the restaurant. After Plaintiff drove a short distance they pulled her over. She passed a field sobriety test. One of the officers then asked her to participate in a breathalyzer test. She refused because she had had gastric bypass surgery to lose weight and had been told that this would cause a high reading on any breathalyzer. She was

charged with driving while intoxicated and posted a \$1,000.00 bond by paying the bondsman \$100.00. She drove home within 45 minutes of the arrest.

17. J.D. Cunningham was Plaintiff's husband in 2013, when Plaintiff learned that her husband was having an extra-marital affair with Leona Bates. J.D. Cunningham admitted to this extra-marital affair after Plaintiff discovered nude photographs of Leona Bates, and others, on her husband's computer. J.D. Cunningham is now Plaintiff's ex-husband. They continue to share custody of their three minor children, ages 10, 13 and 13 (twins). Plaintiff has primary custody.

18. Plaintiff is the mother of three children. She has always been fully employed. Prior to the time she was first jailed on June 1, 2014 she ran a childcare center in Farmington, Missouri. Leona Bates' daughters, Molly Carrington and Katie Carrington, ages 22 and 25 approximately, worked for Plaintiff in the childcare center which was open 24 hours a day, seven days a week. Plaintiff cared for approximately 300 children at the childcare center.

19. Plaintiff had no criminal record prior to 2014. She was employed fulltime outside the home, in her mid-thirties, with three minor children.

20. During 2013 J.D. Cunningham also had an affair with Kelly Vaughn. Nude photographs of Kelly Vaughn were also on his computer. Kelly Vaughn and Leona Bates are friends. They drink together.

21. During 2013 Plaintiff sent an email to several people stating that Kelly Vaughn was having an extra-marital affair with her husband. Kelly Vaughn responded by filing a Petition for a Temporary Restraining Order against

Plaintiff. For a period of about fourteen days Plaintiff was not allowed to go to the school her children attended, because Kelly Vaughn was a school nurse there.

22. A hearing was held on the Petition for a Temporary Restraining Order. The Petition for a Temporary Restraining Order was denied.

23. During November 2013 Leona Bates started filing police reports against Plaintiff, after the hearing on the Petition for a Temporary Restraining Order, claiming that Plaintiff was stalking and assaulting her. These police reports were kept secret by Donald Duncan, Rick Baker and other police officers for the City of Farmington, because Leona Bates falsely claimed that Plaintiff would attack her if she knew of the police reports.

24. Leona Bates then began appearing at functions she knew Plaintiff would be attending, including a private party at Twin Oaks Vineyard near Farmington during November or December 2013, and another occasion when Plaintiff was at Cousins, a restaurant/bar across the street from the police department in Farmington, Missouri, during about November or December 2013, and another occasion at Casa Sol, a Mexican restaurant in Farmington, Missouri, on about January 11, 2014.

25. During these three occasions, among others, Leona Bates attempted to provoke Plaintiff into a confrontation, and then secretly filed police reports claiming Plaintiff had stalked and assaulted her. Plaintiff did not assault Leona Bates on any of these occasions and Plaintiff did not stalk or

follow Leona Bates on these occasions. On the contrary, Leona Bates followed Plaintiff to confront her on all these occasions.

26. Plaintiff had posted a \$10,000.00 bond for the aggravated stalking charge, during January 2014.

27. During April 2014 Defendant Jarrod Mahurin notified Plaintiff that he was attempting to revoke her bond on the aggravated stalking charge because of the driving while intoxicated charge.

28. Plaintiff's bond was revoked during May 2014, at the request of Jarrod Mahurin, after a hearing before the Honorable Wendy Wexler Horn, who then recused herself. Judge Horn was replaced by the Honorable Sandra Martinez, a former prosecutor for St. Francois County. On information and belief Jarrod Mahurin was a protégé of Judge Martinez.

29. Plaintiff attempted to turn herself in at the St. Francois County Jail once her bond was revoked. She appeared at the jail and was advised that the jail did not yet have the paperwork completed. She returned to her home for the Memorial Day weekend.

30. Plaintiff turned herself in on June 1, 2014 and retained an attorney to reinstate the bond, as more specifically stated in paragraph 32. At the hearing on June 11, 2014 Jarrod Mahurin opposed Plaintiff's Motion to Reinstate the Bond. Leona Bates did not testify.

31. Plaintiff telephoned the Sheriff's office, or the police station, on June 1, 2014, stating that she was prepared to turn herself in with respect to the aggravated stalking charges. Within ten minutes Spring Henson Gray, a

secretary in Jarrod Mahurin's office, and either a detective or another employee of the prosecutor's office were at Plaintiffs house to arrest her. They followed her to jail.

32. Plaintiff was held in jail without bail from June 1, 2014 until June 11, 2014, when her Motion to Reinstate the Bond and for her Pre-trial Release was denied, and from June 11, 2014 to August 16, 2014 when she pleaded guilty to stalking Leona Bates because that was her only way of getting out of jail to see her three minor children, ages 10, 13 and 13 (twins). Plaintiff had spent more than 77 days in jail by August 16, 2014, with no trial date established and no prospect for release on bail.

33. Spring Henson Gray had an extra-marital affair during a previous marriage. Plaintiff and her then husband, J.D. Cunningham, were listed as witnesses of that extra-marital affair in the related divorce proceedings. Plaintiff witnessed conduct between Spring Henson Gray (now Spring Kelly) and another man while Spring Henson Gray was still married to Ricky Gray. As a result, Spring Henson Gray sought revenge against Plaintiff.

34. Plaintiff was denied bond on June 11, 2014 on the false grounds that Leona Bates was afraid that Plaintiff would stalk and assault her. Plaintiff's Motion to Reinstate the previous Bond was also denied on June 11, 2014.

35. Plaintiff was informed that it would be at least six to eight months before her case would come to trial on the aggravated stalking charge. On August 16, 2014 Plaintiff pleaded guilty to aggravated stalking of Leona Bates

because that was the only way to be released from jail to see her three minor children. By that time she had spent more than 77 days in jail with no trial date in sight.

36. The conditions at the St. Francois County jail are deplorable. The jail is filthy. Feminine hygiene products are not provided. There is only one toilet (one stool) for more than 50 female inmates while they are outside their cells. The guards regularly make insulting remarks directed toward the female inmates.

37. The Complaint for the arrest warrant was signed and filed by Defendant Jarrod Mahurin, her trial on the aggravated stalking charges delayed and her bond revoked and then her additional request for a bond denied because of actions by Defendant Jarrod Mahurin, because of his personal and sexual relationships with Leona Bates and Spring Henson Gray (now Spring Kelly), for the purpose of coercing Plaintiff into pleading guilty. These activities by Defendant Jarrod Mahurin are administrative and investigatory in nature, precluding the defense of absolute prosecutorial immunity.

38. The capias warrant was issued at the request of Jarrod Mahurin who then arranged to have Plaintiffs probation revoked which sent her to prison, because of Jarrod Mahurin's personal and sexual relationships with Leona Bates and Spring Henson Gray (now Spring Kelly). The request for issuance of the capias warrant is an administrative or investigatory activity for which the defense of absolute prosecutorial immunity does not apply.

39. Plaintiff was always fully employed prior to the campaign initiated by Leona Bates. Plaintiff had no significant criminal record. She was the mother of three minor children.

40. After Plaintiff pleaded guilty to aggravated stalking, on August 16, 2014, she was sentenced to 5 years probation with the probation officer granted discretion to add an additional 20 days in jail, to be served on weekends. Plaintiff also pled guilty to driving while intoxicated on August 16, 2014 and paid a fine. She did not lose her driver's license.

41. Plaintiff was released from jail on August 16, 2014, after pleading guilty.

42. On about August 28, 2014, Plaintiff went to dinner at a Mexican Restaurant, then to the Elks Club near Farmington, after first asking her probation officer if she was permitted to go to the Elks with friends. She was told it was acceptable to go to the Elks, but she was not allowed to drink. Plaintiff went to dinner at the Mexican Restaurant and then to the Elks with friends, Dr. Swinaskri and his wife, Jennifer, and Plaintiff's friend, Eric McKorkle.

43. Plaintiff did not drink at the Elks Club.

44. When Plaintiff left the Elks Club, two Farmington Police Officers, Donald Duncan and another officer, were waiting for Plaintiff to exit the building. When Eric McKorkle, who had been drinking, attempted to drive, Plaintiff gently pushed him to prevent him from driving. Plaintiff was arrested and charged with assaulting Eric McKorkle.

45. A few days after August 28, 2014 Jarrod Mahurin obtained a capias warrant to revoke Plaintiff's probation, because of the alleged assault of Eric McKorkle, and to send her to prison. The request for the warrant was an administrative and/or investigatory activity for which absolute immunity does not apply. After spending several days in jail, Plaintiff obtained a bond and was released from jail on September 25, 2014, pending the hearing on the warrant to revoke her probation.

46. The hearing to revoke Plaintiff's probation was held on November 7, 2014. The Court revoked Plaintiff's probation and she was sentenced to 120 days in prison. She was held in prison from about November 7, 2014 until March 24, 2015. Plaintiff spent more than 200 days in jail and prison combined on these charges.

47. Prior to November 7, 2014 Plaintiff met with Sheriff Daniel Bullock and advised him that she had not been telephoning Leona Bates from jail, that Leona Bates was a friend of Dan Smith; that the charges against Plaintiff had been manufactured by Leona Bates, with the assistance of her friends in public office, including Dan Smith, and that the charges filed against Plaintiff by Leona Bates were an attempt to obtain revenge because Plaintiff had revealed the extra-marital affairs between Plaintiff's then husband and Leona Bates and Kelly Vaughn. Daniel Bullock took no action and failed to investigate these matters.

48. During the period from August 28 to September 25, 2014, Chuck Dyers, a friend of Plaintiff, attempted to assist Plaintiff in obtaining bond. He

left his telephone number with personnel at the jail. He then received telephone calls and text messages from a telephone number registered to Dennis Smith, as his personal cell phone number. Chuck Dyers was informed by Dennis Smith that it would be in his best interest to have no contact with Plaintiff.

49. David Kennedy's daughter, Shelby Kennedy, worked for Plaintiff in her childcare center. State officials made some complaints about Shelby Kennedy's work at the childcare center and Plaintiff was required to terminate her employment. David Kennedy, appeared at the childcare center loudly complaining about his daughter's termination and her questioning by the state officials. As a result, David Kennedy, sought revenge against Plaintiff.

50. Plaintiff was not informed of the secret police reports Leona Bates filed with respect to her false claims that Plaintiff was stalking her until Plaintiff was charged with aggravated stalking. At that time Plaintiff spoke with Rick Baker, the Farmington Police Chief, who informed Plaintiff that she was not advised of the police reports, or given a chance to refute them, because Leona Bates stated she was afraid that Plaintiff would stalk and/or assault her if Plaintiff knew of the police reports. Plaintiff was never interviewed by the Police Department or the Sheriff's Office with respect to these false police reports or with respect to the charge that she was stalking Leona Bates.

51. At all times herein relevant, Leona Bates was a friend of Dennis Smith, who in turn had a friendship and close working relationship with Sheriff

Dan Bullock, Police Officer Donald Duncan and Police Chief Rick Baker, among others.

52. While Plaintiff was in the St. Francois County Jail, several officers informed her that Dennis Smith told them not to talk to her.

53. The St. Francois County Prosecutor's office has a victim's advocate. Plaintiff spoke with the victim's advocate to complain about her treatment during the summer of 2014. Spring Henson Gray immediately telephoned David Kennedy, who then interrupted Plaintiff's meeting with the victim's advocate, at the very beginning, and said that Jerrod Mahurin, the Prosecutor, would not want the victim's advocate to speak with Plaintiff. That ended the meeting with the victim's advocate soon after it began. The victim's advocate was Lisa Davidson who is referenced at length in the River Front Times Article, Exhibit D.

54. Dennis Smith initially denied to Sheriff Dan Bullock that he knew Leona Bates. Plaintiff has subsequently obtained a group photograph of Leona Bates and Dennis Smith and his wife, among a small group, at a Thanksgiving Day dinner during November 2013.

55. Plaintiff lost her childcare business as a result of the time she spent in jail and in prison.

56. Upon her release from prison, Plaintiff was immediately employed full time by the Pasta House Restaurant in Festus, Missouri, where she works as a server and manager. Part of her duties included serving drinks from the

bar. The sale of alcohol is a small part of the Pasta House Restaurant's business at the Festus location.

57. Plaintiff's probation officer contacted the Pasta House Restaurant in Festus and informed Plaintiff's employer that Plaintiff was prohibited, by Statute, from serving alcohol at an establishment such as the Pasta House while she is on probation. Plaintiff was informed by the Pasta House management that Pasta House attorneys had researched the matter and had found no Statute that prevented Plaintiff from serving alcohol in an establishment that was primarily a restaurant while on probation. Nevertheless, in order to comply with the probation officer, Plaintiff stopped serving alcohol at the Pasta House Restaurant, losing substantial tips in the process. On information and belief, the probation officer was acting in response to calls from Leona Bates and Dennis Smith.

58. On information and belief Leona Bates has continued to telephone Plaintiff's probation officer falsely accusing Plaintiff of violating her probation during the early months of 2017.

59. Leona Bates never testified at any of the proceedings, including the June 11, 2014 hearing to reinstate Plaintiff's bond or the November 7, 2014 Hearing to Revoke Plaintiff's probation. Plaintiff was never interviewed by the Sheriff's Department or the Farmington Police Department or the Prosecutor about Leona Bates' claims that Plaintiff was stalking her. Leona Bates' claims that Plaintiff was stalking her are patently false.

60. The Complaint for the arrest warrant for the aggravated stalking charge, the aggravated stalking charge and the driving while intoxicated and assault charges, along with the request for the capias warrant and the capias warrant and the proceedings to revoke Plaintiffs probation were signed, filed and brought against Plaintiff for the ulterior purpose of punishing her for exercising her right of free speech under the Constitution of Missouri and for compelling Plaintiff to cease making public comments about the affairs Leona Bates and Kelly Vaughn had with Plaintiff's ex-husband, and not for the purpose of bringing a criminal to justice.

61. Plaintiff's bond was revoked, and bond denied, and Plaintiff was held in jail without bond with no trial date for the next six-eight months, for the ulterior purpose of denying Plaintiff's right of free speech under the Constitution of Missouri; to coerce Plaintiff into refraining from making additional public comments about the affairs of Leona Bates and Kelly Vaughn, and to punish Plaintiff for exercising her right of free speech, and not for purpose of bringing a criminal to justice.

62. The Complaint (Exhibit A) was signed and sworn to by Jarrod Mahurin, for the purpose of causing Plaintiffs arrest for aggravated stalking, the application to revoke Plaintiffs bond on the aggravated stalking charge was filed by Jarrod Mahurin, the bond was revoked, bail was denied and Plaintiff was held without bond in the St. Francois County jail with no trial date in sight for at least six-eight months, and after Plaintiff was coerced into pleading guilty, a capias warrant was requested and obtained by Jarrod Mahurin for the

purpose of revoking Plaintiffs probation, all as a punishment for Plaintiff's exercise of her right of free speech under the Constitution of Missouri because of Jarrod Mahurin's personal and sexual relationship with Leona Bates and Spring Henson Gray (now Spring Kelly). This was improper use of processes, a use neither warranted nor authorized by the processes governing criminal cases. Jarrod Mahurin had an improper purpose in using the criminal processes for the purpose of punishing Plaintiff for the exercise of her free speech rights and for the purpose of coercing Plaintiff to refrain from exercising her free speech rights in the future.

63. At all times herein relevant Defendant Jarrod Mahurin acted in concert with Leona Bates and Spring Henson Gray, among others, with the common intent and purpose of using the criminal cases to charge Plaintiff with aggravated assault, driving while intoxicated and assault and by revoking Plaintiff's bond and denying Plaintiff bond, for the purpose of punishing Plaintiff for exercising her free speech rights under the Constitution of Missouri, and for the purpose of coercing Plaintiff to refrain from exercising her free speech rights in the future. Jarrod Mahurin participated in these activities because of his personal and sexual relationship with Leona Bates and Spring Henson Gray.

64. As a direct and proximate result of these abuses of processes by Defendant Jarrod Mahurin, Plaintiff sustained the following damages:

(a) The loss of her liberty for more than 200 days while she was incarcerated in a sum in excess of \$500,000.00;

(b) The loss of her childcare business in a sum in excess of \$100,000.00;

(c) Emotional distress and humiliation in a sum in excess of \$500,000.00;

(d) Lost wages in a sum in excess of \$50,000.00;

65. Plaintiff's compensatory damages total a sum in excess of \$1,165,000.00.

66. The conduct of Defendant Jarrod Mahurin was intentional, malicious, unjustified, and outrageous.

WHEREFORE, Plaintiff, Kristy Cunningham, prays for compensatory damages against Defendant Jarrod Mahurin in a sum in excess of \$1,150,000.00 plus court costs.

/s/ David M. Duree

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