

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**COURTNEY FONTENOT,
NATURAL TUTRIX FOR RYLAN
GUILLORY, MINOR AND CAYSON
GUILLORY, MINOR AND MONICA FONTENOT,
INDIVIDUALLY AND AS REPRESENTATIVE
OF THE ESTATE OF DEJUAN GUILLORY**

DOCKET:

VERSUS

**HOLDEN PAUL LAFLEUR, AND EDDIE SOILEAU,
INDIVIDUALLY AND IN HIS CAPACITY AS
SHERIFF OF EVANGELINE PARISH**

JUDGE:

**COMPLAINT FOR DAMAGES UNDER 42 USC 1983,
WRONGFUL DEATH AND SURVIVAL ACTIONS UNDER STATE LAW**

1.

This is a civil rights lawsuit brought by the Plaintiff Courtney Fontenot, sole surviving parent and natural tutrix of minors Rylan Guillory and Cayson Guillory, and Monica Fontenot, mother of DeJuan Guillory and representative of DeJuan Guillory's estate, for the murder of DeJuan Guillory at the hands of Holden LaFleur, an Evangeline Parish Sheriff's Deputy working under color of authority as a deputy sheriff in the Parish of Evangeline, State of Louisiana, as well as the denial of DeJuan Guillory's civil rights.

JURISDICTION AND VENUE

2.

This action arises under the Fourth and Fourteenth Amendments to the United States Constitution, and under the Civil Rights Act of 1871, 42 U.S.C. sections 1983 and 1988. This Court has jurisdiction of this cause under 28 U.S.C. sections 1331 and 1343. Supplemental jurisdiction attaches to the Louisiana state law claims under 28 U.S.C. 1367.

3.

Venue is proper under 28 U.S.C. section 1391 in that Defendant Holden LaFleur, on information and belief, resides and the cause of action arises in the Parish of Evangeline, State of Louisiana, situated within the Western District of Louisiana, and that all alleged acts occurred within the jurisdiction of the Western District of Louisiana.

PARTIES

4.

Plaintiff Courtney Fontenot is a person of the age of majority who resides in the Parish of Evangeline, State of Louisiana. Courtney Fontenot is the mother and natural tutrix of minors Rylan Guillory and Cayson Guillory. The minor children were acknowledged by their father, DeJuan Guillory, before his death, and Guillory is named as the children's father on their birth certificates.

5.

DeJuan Guillory had a close and loving relationship with Rylan Guillory and Cayson Guillory, and he worked to provide for their health, welfare, and education prior to his death.

6.

Plaintiff Monica Fontenot is a person of the age of majority who resides in the Parish of Evangeline, State of Louisiana. Monica Fontenot is the mother and estate representative for the Estate of DeJuan Guillory, suing in her individual capacity as well as her capacity as estate representative.

7.

Made Defendants are:

A. HOLDEN PAUL LAFLEUR, upon information and belief, a person of the age of majority, a citizen of the State of Louisiana, and domiciled in Evangeline Parish, who at

all times relevant to this complaint was a Deputy Sheriff for the Sheriff of Evangeline Parish acting in the course and scope of his employment and under color of state law.

B. SHERIFF EDDIE SOILEAU, Sheriff of Evangeline Parish, in his official capacity and individually, upon information and belief a person of the age of majority, a citizen of the State of Louisiana, and domiciled in Evangeline Parish.

FACTUAL ALLEGATIONS

8.

In the early morning hours of July 6, 2017, DeJuan Guillory and his girlfriend, Dequince Brown, were four-wheeling in the small town of Mamou, Louisiana, located in Evangeline Parish, Louisiana. The two were sharing one four-wheeled, all-terrain vehicle (ATV); Ms. Brown was riding on the back while Guillory drove the ATV down a gravel road.

9.

The couple had planned to go “frogging,” during which they expected that their clothes would become wet and muddy as they caught frogs, so they were dressed for the event.

10.

As Guillory and Brown rode down the gravel roads near their home, a police officer in his police unit, Defendant Holden Paul LaFleur, came into view on the side of the road.

11.

The couple passed Defendant LaFleur’s vehicle and continued down the gravel road, at which time Defendant LaFleur began to follow the couple in his unit.

12.

When Guillory turned onto another road, Defendant LaFleur followed him. Shortly thereafter, Defendant LaFleur signaled the couple to pull over, which they did. Guillory killed the motor on the ATV.

13.

Defendant LaFleur, who was on duty at the time of the stop, exited his vehicle and asked the couple for their identification. They answered that they were frogging and did not want to lose them, so they did not bring their identification with them.

14.

Defendant LaFleur ordered Guillory to come towards his car. Guillory complied.

15.

Defendant LaFleur escalated the situation and began shouting at Guillory about not having his identification on him, and Defendant LaFleur got close to Guillory's face and continued to scream at him, needlessly escalating the situation when, upon information and belief, Defendant LaFleur had the ability to identify Guillory and Brown through a computer in his unit and/or by calling in their names. Guillory pushed Defendant LaFleur back to get him out of his private space.

16.

Defendant LaFleur then confronted Guillory and pushed him in the chest, with the intent to provoke a fight, and the two began to fight, hand to hand.

17.

Brown yelled for Guillory to stop and "come on", which he did. Guillory went back to the ATV and Brown, leaving Defendant LaFleur near the police unit.

18.

As Guillory tried to crank the four-wheeler, Defendant LaFleur pointed his gun at the couple and ordered Guillory off the ATV and onto his stomach. Guillory complied and got on his stomach on the ground, leaving Brown on the ATV.

19.

Defendant LaFleur put his knee in Guillory's back and put handcuffs on Guillory's left wrist, still pointing his gun at Guillory with his right hand.

20.

As Defendant LaFleur pressed his knee in Guillory's back and applied the handcuffs, Brown saw Guillory flinch from pain. Brown told Guillory to "be still baby."

21.

Defendant LaFleur stayed on DeJuan Guillory's back, and turned his gun towards Dequince Brown and told her, "Shut the fuck up, or I'll shoot you."

22.

DeJuan Guillory, hearing that Defendant LaFleur just threatened to murder Dequince Brown, began to plead for his life. He told Defendant LaFleur that he was a father of three and pleaded for Defendant LaFleur not to kill him. Then, Defendant LaFleur intentionally fired his weapon at Guillory.

23.

Neither Guillory nor Brown posed a threat to Defendant LaFleur that would justify the use of deadly force by LaFleur.

24.

Defendant LaFleur had no reasonable belief that Guillory or Brown posed a threat of serious harm to either Defendant LaFleur or others.

25.

Guillory cried out from the shot, so Brown, seeing that Defendant LaFleur had just shot Guillory, jumped off the ATV and onto the back of Defendant LaFleur to stop him from shooting Guillory again.

26.

Brown, who was approximately 5 feet, 5 inches tall and weighed approximately 110 pounds at the time, jumped onto Defendant LaFleur's back and attempted to stop him from killing Guillory by biting him on the neck when she jumped on his back.

27.

Brown acted in defense of Guillory, who Brown reasonably believed Defendant LaFleur was trying to kill by shooting him without justification.

28.

Defendant LaFleur grabbed Brown's hair with his left hand and intentionally fired his weapon at least three more times in rapid succession toward Guillory, causing more bullets to hit Guillory while Guillory was on his stomach, moving away from Defendant LaFleur, and otherwise not a threat to Defendant LaFleur.

29.

Upon information and belief, Guillory attempted to escape the barrage of bullets and retreat to safety by crawling away from Defendant LaFleur and toward the ATV.

30.

DeJuan Guillory's body exhibited three gunshot wounds (GSW) as a result of the shots intentionally fired at him by Defendant LaFleur, more fully detailed on the autopsy report made by Terry Welke, M.D., Forensic Pathologist:

Gunshot Wound # 1: A gunshot wound of entrance is on the right, outer shoulder, 11 inches below the top of the head and a circumferential distance of 10½ inches to the right of the frontal midline. The 3/16-inch, circular, entrance defect is surrounded by a collar abrasion (scrape) to a marginal width of 3/8-inch at the 6:30 o'clock position. Stippling surrounds the entrance wound to the following radial distances: 12:00 o'clock, ½-inch; 3:00 o'clock, ½-inch; 6:00 o'clock, 1¼-inches; 9:00 o'clock, 3/8-inch. Internal injuries involve: soft tissue, musculature, and

blood vessels. No bullet is recovered and none is seen on x-ray. Internal injuries involve: soft tissue, musculature, and blood vessels. . . .

Gunshot Wound # 2: A gunshot wound of entrance is on the upper back, to left of the spine, 10¼-inches below the top the head and 3 1/8 inches to the left of the spine (posterior midline). The 3/16-inch, circular, entrance defect is surrounded by a collar abrasion to a marginal width of 3/8-inch at the 2:30 o'clock position. Sparse stippling is present to the following radial distances: 12:00 o'clock, 5/8-inch; 2:00 o'clock, 2 inches; 10:00 o'clock, 5/8-inch. Internal injuries involve: soft tissue, musculature, and blood vessels. . . .

Gunshot Wound # 3: A gunshot wound of entrance is on the left mid-back, 15 ½ inches below the top of the head and 1 ¼ inches to the left of the spine (posterior midline). The 3/16-inch, circular, entrance defect is surrounded by a collar abrasion to marginal width of 1/8-inch at the 2:00 o'clock position. No soot or gunpowder is seen on the skin or in the depth of the wound. Internal injuries include: a hole in the back between the (posterior), left 5th and 6th ribs; a hole through the left, upper and lower lobes of lung; break (fracture) of the left, frontal (anterior) 6th rib; 1440 mL of blood in the left, chest cavity. No bullet is recovered and none is seen on x-ray. A gunshot wound of exit is outside (lateral) the left nipple, 16 ½ inches below the top the head and 5 ½ inches to the left of the frontal midline. The exit defect consists of a ½-inch laceration (skin tear) surrounded by a circular abrasion/scrape (shoring) to a marginal width of 3/16-inch. Trajectory is from back to front, right to left, with no significant up-down deviation.

On the palmar aspect of the left mid-forearm is a 5/8-inch laceration (skin tear), 14 inches from the tip of the long finger. No bullet is recovered and none is seen on x-ray; however, a small, radiopaque (metal) fragment is present on the x-ray; this injury and metal fragment are consistent with the bullet which exited outside of the left nipple (Gunshot Wound #3).¹

31.

Upon information and belief, Defendant LaFleur's bullet that caused gunshot wound number three was the "kill shot" that mortally wounded DeJuan Guillory as it entered his body between his fifth and sixth ribs just left of his spine, ripped through the left, upper and lower lobes of his lung, and exited near his left nipple, causing a laceration on Guillory's left forearm that was in front of his body as he tried to crawl away.

¹ See excerpt from Autopsy Report, attached as Exhibit A.

32.

Upon information and belief, the physical evidence shows that DeJuan Guillory was farthest away from Defendant LaFleur when Defendant LaFleur inflicted the kill shot—gunshot entrance wound number three exhibited no stippling, whereas the first two gunshot entrance wounds did.

33.

Defendant LaFleur shot Guillory in Guillory's back while Guillory was facing away from Defendant LaFleur and posed no threat that would justify the use of deadly force. Even though Dequince Brown jumped onto Defendant LaFleur's back, DeJuan Guillory posed no threat to Defendant LaFleur as Guillory crawled **away** from Defendant LaFleur after Defendant LaFleur began shooting at Guillory.

34.

The wounds documented on DeJuan Guillory's autopsy report clearly show that he was murdered—intentionally shot multiple times by Defendant Lafleur while Guillory's body was **below** Defendant LaFleur, **in front of** Defendant LaFleur, **facing away** from Defendant LaFleur, and **crawling away** from Defendant Lafleur.

35.

After hearing Defendant LaFleur fire more shots, Brown let go of him.

36.

After shooting DeJuan Guillory, LaFleur ignored Brown and walked back to his police unit and got inside.

37.

Brown saw that Guillory was dying, but still alive, as he laid by the ATV on his back. Brown frantically tried to perform CPR on Guillory, even though she did not have the training for it.

38.

During the incident, Defendant LaFleur's radio fell off his body and onto the ground. Brown picked up the radio to call for help.

39.

Defendant LaFleur made no attempt to render CPR or any other first aid to Guillory, who was still alive but in apparent distress.

40.

Guillory was conscious, knew he had been shot, and suffered for some period of time before he eventually died.

41.

Police and emergency medical personnel arrived on the scene sometime after Brown called for help. Two ambulances came. One left with Defendant LaFleur in it.

42.

On information and belief, the second ambulance left empty, and Guillory's body was left on the ground.

43.

Upon information and belief, the police unit Defendant LaFleur drove on the night he shot DeJuan Guillory was equipped with a dash camera and/or other recording devices that captured the incident.

44.

Plaintiff Monica Fontenot arrived at the scene prior to her son's body being removed, and she saw DeJuan Guillory's body in a body bag on the gravel road. Police on the scene told her that the body in the bag was that of her son, which they had identified. Monica Fontenot suffered, and continues to suffer, extreme emotional distress over seeing her dead son in a body bag at the scene of the crime, shortly after Defendant LaFleur murdered him.

CIVIL RIGHT VIOLATIONS: EXCESSIVE FORCE

45.

Plaintiffs re-asserts and re-alleges all the foregoing allegations herein by reference. Defendant LaFleur unjustifiably used excessive force in the seizure of DeJuan Guillory by maliciously killing him while Guillory was surrendering and while Guillory did not pose a threat to Defendant LaFleur that would warrant the use of deadly force, in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

46.

Defendant LaFleur did not believe that DeJuan Guillory or Dequince Brown was armed at the time of the confrontation.

47.

Alternatives short of lethal force remained open to Defendant LaFleur at the time that Defendant LaFleur shot and killed DeJuan Guillory.

48.

Defendant LaFleur did not reasonably believe that he acted lawfully when he shot DeJuan Guillory.

49.

No reasonable officer in Defendant LaFleur's position would have believed that the use of force by Defendant LaFleur was reasonable and necessary under the circumstances when he shot DeJuan Guillory.

50.

When he shot Guillory, Defendant LaFleur was acting under color of his authority as an Evangeline Parish Sheriff's Deputy, and his actions were employment-rooted and incidental to the performance of his duties as a Sheriff's Deputy in the course and scope of employment.

**VICARIOUS LIABILITY OF THE SHERIFF OF
EVANGELINE PARISH FOR ACTIONS UNDER STATE LAW**

51.

Defendant Eddie Soileau, as Sheriff, is vicariously liable for all state law delicts and torts of his employees committed in the course and scope of employment. Therefore, the Sheriff is vicariously liable for the wrongful death of DeJuan Guillory and is solidarily indebted with Defendant LaFleur to the minor children of DeJuan Guillory for wrongful death of their father, as well as damages for the survival action to the estate of DeJuan Guillory, as represented by his mother, Monica Fontenot, and to Monica Fontenot individually for damages under Louisiana Civil Code article 2315.6.

**DIRECT LIABILITY OF THE SHERIFF OF
EVANGELINE PARISH FOR ACTIONS UNDER STATE LAW AND § 1983**

52.

Defendant LaFleur was unfit to be a police officer on the date he was hired as an Evangeline Parish Sheriff Deputy and/or on the date DeJuan Guillory was shot to death by Defendant LaFleur.

53.

Defendant LaFleur was prone to fits of anger, mental instability, and racial animus against African Americans on the date Defendant LaFleur was hired as an Evangeline Parish Sheriff Deputy and/or on the date DeJuan Guillory, an African American, was shot to death by Defendant LaFleur.

54.

Defendant Eddie Soileau knew or should have known that Defendant LaFleur was unfit to be a police officer and that he was prone to fits of anger, mental instability, and racial animus against African Americans, on the date Defendant LaFleur was hired as an Evangeline Parish Sheriff Deputy and/or on the date DeJuan Guillory was shot to death by Defendant LaFleur.

55.

Defendant Eddie Soileau had a duty to Guillory and the public to hire officers who are well-trained, restrained in their use of force, and otherwise competent to exercise their job duties without inflicting unnecessary harm or damage to any individual.

56.

Defendant Eddie Soileau failed or refused to properly hire, screen, train, and/or supervise his deputy officers, including Defendant LaFleur, to carry out their duties in a manner that is well-trained, restrained, orderly or competent.

57.

Defendant Eddie Soileau took no steps to protect the public from his deputy officers, including Defendant LaFleur, when he had an opportunity and a duty to do so, which failure to act amounts to deliberate indifference to Guillory's rights.

58.

Defendant Eddie Solieau's grossly negligent failure or refusal to properly hire, screen, train, and/or supervise, his deputy officers, including Defendant LaFleur, constituted a policy or custom of the Sheriff of Evangeline Parish, which amounted to deliberate indifference to the rights of persons with whom the police come into contact.

59.

As a direct result of the known dangerousness and/or incompetence of Defendant LaFleur, and Defendant Eddie Solieau's failure or refusal to properly hire, screen, train, and/or supervise, his deputy officers, DeJuan Guillory suffered and lost his life when his constitutional rights were violated.

60.

Defendant Eddie Soileau is liable for compensatory and punitive damages, attorney fees, costs, expert witness fees, and judicial interest from the date of demand.

JURY TRIAL REQUEST

61.

Plaintiffs request a trial by jury.

PRAYER FOR RELIEF

Plaintiffs request that this Court assume jurisdiction over this cause, and that after due proceedings are had, that a judgment is entered in favor of Plaintiffs and against Defendants for compensatory and punitive damages, costs, expert witness fees, attorney's fees, judicial interest running from date of demand, and all other proper relief due under the premises.

Respectfully submitted by:

/s/ Joseph J. Long

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