

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

**TIERRA W. CRAIG AND DONNA
CRAIG**

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CASE NO. 3:20-cv-91

VS.

JURY TRIAL DEMANDED

**MIKE CAZES, IN HIS CAPACITY AS
WEST BATON ROUGE SHERIFF,
WEST BATON ROUGE SHERIFF
INSURANCE COMPANY,” “ABC”
INSURANCE COMPANY”**

COMPLAINT WITH JURY DEMAND

NOW INTO COURT, through undersigned counsel, comes the Plaintiffs, Tierra W. Craig, spouse of the decedent—Mr. Darius Craig, a person of full age and of majority, resident and domicile of West Baton Rouge Parish and Ms. Donna Craig- mother of the decedent, a person of full age and of majority, resident and domicile of West Baton Rouge Parish respectfully represent the following:

PARTIES

1.

Made Defendants herein are the following:

- a) WEST BATON ROUGE SHERIFF OFFICE, a local government law enforcement entity and body politically created by statute, but not an agency, or department, or arm of the State of Louisiana (hereinafter sometimes referred to as “WBRSO”), and owns, operates, manages, directs, and controls the WEST BATON ROUGE PARISH JAIL;

- b) SHERIFF MIKE CAZES, is and was at all relevant times the Sheriff of WBRSO, a person of full age and majority domiciled in West Baton Rouge Parish. He is sued in his official capacity;
- c) ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing EXCESS liability coverage to the West Baton Rouge Sheriff Office, its agents, and the Parish of West Baton Rouge.
- d) At all times relevant to this complaint, all defendants acted in concert and conspiracy and were jointly and severally responsible for the harms caused to plaintiff.
- e) At all times to this Complaint, all defendants acted under the color of state law.
- f) THIS PETITION PUTS ON NOTICE ANY EXCESS POLICY COVERING THE PARISH OF WEST BATON ROUGE, THE WEST BATON ROUGE SHERIFF OFFICE, SHERIFF MIKE CAZES, ANY EMPLOYEE OF THE WEST BATON ROUGE SHERIFF OFFICE, AND ANY POTENTIAL UNION POLICY COVERING THE INDIVIDUAL SHERIFF DUPUTIES NAMED INDIVIDUALLY IN THIS SUIT.

JURISDICTION AND VENUE

2.

The United States District Court has jurisdiction over the subject matter of this complaint under 42 U.S.C. 1983 and 28 U.S.C. 1331, 1343(a)(3), and 1367(a).

3.

The Middle District of Louisiana is the appropriate venue to bring this complaint, because the facts that give rise to Plaintiff's claims all took place within the Middle District of Louisiana.

FACTUAL ALLEGATIONS SURROUNDING THE EVENTS OF AUGUST 26-27, 2019

4.

On August 26, 2019, Darius Craig, an inmate at the West Baton Rouge Parish Jail, was found dead from an apparent suicide. He was located hanging from the top bunk in his single cell.

5.

The Preliminary Coroner's Report and Acadian Ambulance Records would reflect that he was found shortly after 6 p.m.; however, Mr. Craig was not pronounced deceased until approximately 8:21 p.m.

6.

According to the Preliminary Autopsy Report, conclusions (suicide) surrounding Mr. Craig's death were made upon review of the "guard's statements" and the "detective report."

7.

Despite the Preliminary Autopsy Report reflecting that Mr. Craig began receiving medical treatment at 6:11 p.m., Acadian Ambulance's medical records of Mr. Craig indicate that they were not dispatched until 6:53 p.m.

8.

Additionally, according to the Acadian Ambulance's records, the reason for the dispatch was "Assault/Rape."

9.

Acadian Ambulance records also give a description of Mr. Craig's condition when he is

found:

“Detention staff states pt (patient) was found hanging from the top bunk with a sheet around his neck and knees almost to the floor...”

“Hanging, by bedding material around neck, no pulse, no respirations...”

10.

Acadian Ambulance records mentions a possible suicide note written by Mr. Craig, located in his pants pocket.

11.

However, a series of “Inmate Email Messages” sent by Mr. Craig to his sister on August 26, 2019, two and a half hours before he was found in his cell from alleged suicide mentioned that people were threatening to harm him. Those messages by Mr. Craig also alluded to the fact that he was anticipating and looking forward to being extradited to Texas at any moment.

12.

Mr. Craig is approximately 5ft 10in and weighs over 210lbs. It would be physically impossible for him for him to be suspended from the ground since the standard bunk beds are approximately 5 ½ - 6 ft tall. One of the few ways that would be possible is if he was unconscious prior to being hung, which would mean his death was not a suicide.

FACTUAL ALLEGATIONS SURROUNDING DARIUS CRAIG’S EXTRADITION

13.

Mr. Craig was being held in West Baton Rouge Parish Jail due to a May 7, 2019 arrest for Domestic Abuse Battery 1st Offense (misdemeanor).

14.

Mr. Craig's arrest triggered a parole hold from the State of Texas. Mr. Craig subsequently plead guilty to the above offense on July 9, 2019. He was given credit for time served and his release date on the above charges was on or about August 6, 2019.

15.

On August 2, 2019, a "Pre-Revocation Warrant" from the State of Texas was issued for Mr. Craig.

16.

On August 6, 2019, Mr. Craig agreed to a "Waiver of Extradition." This waiver was signed by the Honorable Tonya Lurry and Mr. Craig on the same date. This gave the State of Texas ten (10) days to transport him from the West Baton Rouge Parish Jail to Texas. If Texas did not transport Mr. Craig within those ten (10) days, then he was to be released from the West Baton Rouge Parish Jail.

17.

The State of Texas did not transport Mr. Craig within ten (10) days from the signing of the Waiver of Extradition. Mr. Craig's release date should have been August 16, 2019, meaning that

he should have never been in the custody of the West Baton Rouge Parish Sheriff's Office at the time of his death on August 26, 2019.

18.

As a direct result and proximate result of the conduct of all Defendants, Plaintiffs Tierra Craig—wife of Mr. Craig— and Donna Craig----mother of Mr. Craig---suffered and continues to suffer extraordinary damages, including the wrongful death of her husband, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent.

**FACTUAL ALLEGATIONS SURROUNDING EMPLOYMENT, TRAINING,
SUPERVISION AT THE WEST BATON ROUGE PARISH JAIL**

19.

The West Baton Rouge Parish utilizes and employs its own sheriff department known as the West Baton Rouge Sheriff Office (WBRSO). The Sheriff at all relevant times before, during, and after this incident was Sheriff Mike Cazes, making him the responsible decisionmaker and policymaker for the WBRSO.

20.

The conduct sued upon herein occurred in the Parish of West Baton Rouge, specifically inside of the West Baton Rouge Parish Jail. The West Baton Rouge Jail is under the exclusive jurisdiction and control of the West Baton Rouge Parish Sheriff's Office.

21.

In Sheriff Cazes official capacity, he was and is responsible for adopting, implementing, promulgating, and enforcing policies, customs, and practices at the West Baton Rouge Parish Jail including but not limited to the following:

- a) supervision of defendants that are in the custody of the jail;
- b) properly and timely processing the intake and release of defendants from custody;
- c) properly and timely administer emergency medical care of defendants that are in the custody at the jail.

22.

Additionally, Sheriff Cazes is responsible for the screening, hiring, disciplining, training, supervising, and retraining of West Baton Rouge Parish Sheriff Officers to ensure each officer was and is qualified and properly trained to perform the duties and functions of a corrections officer at the West Baton Rouge Parish Jail.

23.

Based on the circumstances surrounding the death of Mr. Craig, the Plaintiffs allege that Defendants Sheriff Cazes and WBRSO did not properly supervise the area where Mr. Craig was found unresponsive.

24.

Since Mr. Craig was not released on August 16, 2020, the Plaintiffs allege that the Defendants Cazes and WBRSO, did not properly train the individuals responsible for processing the release of defendants from custody.

25.

Upon information and belief, the Plaintiffs allege that Mr. Craig received inadequate medical care due to ambulance services not being called until approximately 45 minutes after he was found unresponsive in his cell.

26.

The extreme misconduct described herein was a product of this environment and undertaken pursuant to de facto policies, practices, and/or customs—both written and unwritten—of the WBRSO. Defendants Cazes and WBRO, are guilty of the following wrongful acts, including but not limited to:

1. Failing to properly hire, supervise, and train WBRSO Officers;
2. Failing to reprimand and discipline WBRSO Officers who engage in misconduct;
3. Failing to properly supervise defendants who are in the custody of the West Baton Rouge Parish Jail;
4. Failing to properly and timely process the release of defendants who are in the custody of the West Baton Rouge Parish Jail;
5. Failing and inadequately investigating complaints and allegations of physical violence and/or the threat of physical violence targeted at defendants who are in the custody of the West Baton Rouge Parish Jail.

27.

As a direct result and proximate result of the conduct of Defendants, the Plaintiffs suffered and continues to suffer extraordinary damages, including the prolonged loss of liberty, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent, as well as financial losses.

CAUSES OF ACTION

Count I

Plaintiff vs. Defendants Cazes and WBRSO Federal Constitutional Claims

28.

The actions of Defendant Cazes, violated Mr. Craig's rights under the Fourth and Fourteenth Amendments when he was not released from custody on or about August 16, 2020.

29.

The actions or inactions of Defendant Cazes and Defendant WBRSO violated Mr. Craig's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution directly or proximately, causing Mr. Craig's death by creations of or failure to correct unconstitutional policies, practices, patterns, and/or customs.

Count II

Plaintiff vs. Defendants Cazes and WBRSO State Law Claims

30.

The Plaintiffs allege that the Defendants are responsible and liable under Louisiana Code of Civil Procedure Articles 2315 and 2317, which requires that every act whatever man that causes damage obligates him by whose fault it is to repair it; and individuals are responsible not only for

damage occasioned by their own acts, but also for damage caused by acts of persons for whom the individual is answerable, or of the thing which the individual has in his custody.

31.

The actions and/or inactions of Defendants Cazes and WBRSO, under the law of the State of Louisiana, constitute the torts of:

- a. Wrongful Death;
- b. Survival Action;
- c. Negligent Infliction of Emotional Distress;
- d. Abuse of Process;
- e. Negligent Supervision;
- f. Negligent Emergency Medical Care;
- g. False Imprisonment

32.

Mrs. Tierra Craig is the appropriate party to bring for the claims of wrongful death as she is the surviving spouse of Mr. Darius Craig. Ms. Donna Craig is the appropriate party to bring a survival action as she is Mr. Craig's mother.

JURY TRIAL DEMAND

33.

Plaintiff requests a trial by jury.

PRAYER FOR RELIEF

34.

Plaintiff respectfully requests:

- a. Compensatory damages as to all Defendants;
- b. Special Damages as to all Defendants;
- c. Punitive damages as to Defendants Cazes and WBRSO;
- d. Reasonable attorneys' fees and costs as to all Defendants;
- e. Such other and further relief as may appear just and appropriate

WHEREFORE, Plaintiff Tierra W. Craig prays that a copy of the above petition is served upon all of the Defendants named herein, and that after all proceedings a judgment is rendered in favor of Plaintiff and against Defendants for all relief deemed equitable under the law including attorney's fees and costs.

/s/ Ronald S. Haley, Jr.

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tierra Craig and Donna Craig

(b) County of Residence of First Listed Plaintiff West Baton Rouge Parish (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) HALEY & ASSOCIATES ATTORNEYS AT LAW, LLC 8211 Goodwood Blvd Suite E. Baton Rouge, LA 70806 225-663-8869

DEFENDANTS

Mike Cazes and the West Baton Rouge Parish Sheriff Office

County of Residence of First Listed Defendant West Baton Rouge Parish (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1983

Brief description of cause: Deceased died in the custody of the West Baton Rouge Parish Jail

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/17/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Ronald S. Haley, Jr.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.