

FILED IN OFFICE
2014 OCT 13 PM 12:09
LARRY L. HENRY, CLERK
BY JW DC

~~~~~

No. 9C 1218

## COMPLAINT

~ 1 ~

FILE

**Jurisdiction and Venue:**

5. This is an action to redress the deprivation of rights secured to the plaintiff by the Fourth and Fourteenth Amendments (specifically the Due Process and Equal Protection Clauses of the Fourteenth Amendment) to the United States Constitution (enforceable through 42 U.S.C. § 1983) and for violations of Tennessee common law. Thus, as to the § 1983 claims, this Court is vested with original jurisdiction pursuant to the authority stated in Haywood v. Drown, 556 U.S. 729 (2009). This Court is vested with original jurisdiction over the state claims pursuant to TENN. CODE ANN. § 16-10-101, et seq.

6. Venue is proper in this Court pursuant to TENN. CODE ANN. § 20-4-102. All acts complained of occurred within Hamilton County.

- a. Plaintiff is a resident Hamilton County, Tennessee.
- b. To the best of plaintiff's knowledge Sabba is a resident of Hamilton County, Tennessee.
- c. City is a political sub-division of the State of Tennessee.

**The Parties:**

7. At all times relevant to this cause of action, plaintiff was an African-American citizen of the United States and an African-American resident of the State of Tennessee.

8. At all times relevant to this cause of action, the City is a political sub-division of the State of Tennessee organized and existing under the laws of the State of Tennessee.

- a. The City finances its law enforcement department and provides rules and regulations for the operation of the department.
- b. The City provides oversight of the hiring, training, discipline, and retention of all personnel in its law enforcement department.

9. Specifically, and at all times relevant to this cause of action, the City is responsible for the creation and maintenance of its police department, which is a law enforcement agency created under Tennessee state law and regulated by the laws of the State of Tennessee as to:

- a. The training and certification of its law enforcement employees;
- b. The safety of persons detained or otherwise within the custody of its individual officers and agents;
- c. To create rules and regulations to properly identify officers who have a recurring pattern of misconduct or conduct that would place its supervisory personnel on notice and the City on notice of officers who are a threat to citizens within its jurisdiction;
- d. To create rules and regulations to properly investigate officers who have a recurring pattern of misconduct or conduct that would place its supervisory personnel on notice and the City on notice of officers who are a threat to citizens within its jurisdiction; and
- e. Not to hire, retain, re-hire, or promote police officers who have a recurring pattern of misconduct or conduct that would place its supervisory personnel on notice and the City on notice of officers who are a threat to citizens within its jurisdiction.

10. At all times relevant to this cause of action, Sabba was employed by the City and acted under the color of law, statute, ordinance, regulation, custom, or usage. In addition:

- a. At all times relevant to this cause of action, Sabba acted in his official capacity as an agent, servant, and employee, as defined under TENN. CODE

ANN. § 29-20-102, for the City. Plaintiff sues Sabba in his individual and official capacities.

**Factual Basis of Complaint:**

11. On November 28, 2013, at about 1:02 a.m., plaintiff was operating a motor vehicle within the corporate limits of the City.

12. At all times relevant to this cause of action, plaintiff properly operated his motor vehicle, and properly obeyed all laws of the State of Tennessee commonly referred to as the “Rules of the Road.”

13. Sabba was on duty in a police vehicle owned by the City and in the area where plaintiff operated his motor vehicle.

14. Plaintiff first observed Sabba at the intersection of Shallowford Road and Gunbarrel Road.

a. This section of Hamilton County comprises more white than black residents.

15. Sabba, without any justification, followed plaintiff as plaintiff drove to his home located in a predominately white section of Hamilton County.

16. While following plaintiff, Sabba operated his police vehicle in such as manner as to cause plaintiff to become worried and concerned that Sabba “was going to hit” plaintiff’s vehicle.

a. Sabba’s conduct was an attempt to force plaintiff to violate the Rules of the Road as a pretext to conduct a traffic stop of the plaintiff, and plaintiff did not violate any Rules of the Road.

17. Sabba, while continuing to operate his police vehicle in the manner as set forth in ¶ 16, followed plaintiff to his residence.

18. Sabba's actions as set forth in ¶¶ 16 and 17 so concerned and worried plaintiff that plaintiff telephoned his father, Maurice Jackson, Sr. ("plaintiff's father") and told his father that a police officer was following plaintiff.

19. Plaintiff's father told plaintiff to come home and that the father would watch for plaintiff.

20. Plaintiff parked his vehicle in the driveway of his residence.

21. Plaintiff exited his vehicle and, while carrying a white Taco Bell paper sack in one hand and his house keys in the other, walked onto the steps of his residence.

22. Sabba stopped his police vehicle, exited his police vehicle, and without any lawful justification, drew a weapon on the plaintiff and thereby placed a red dot upon the plaintiff's chest.

a. At no time did Sabba ever have the blue lights or the siren of his police car activated.

23. Sabba actually drew his Taser and pointed it at plaintiff, and as Sabba later told IAD investigators, did so "in case 'there was a confrontation.'"

24. Sabba's actions instantly placed plaintiff in fear of death or severe bodily harm.

25. Plaintiff raised his hands into the air.

26. Plaintiff believed Sabba pointed a firearm at plaintiff.

27. Plaintiff saw a look in Sabba's eyes that caused plaintiff to fear that Sabba had no concern for plaintiff's safety and would shoot plaintiff.

28. Sabba, without any lawful justification, ordered plaintiff down from the stairs while pointing the Taser at the plaintiff.

29. At no time did plaintiff act in such any manner that would justify Sabba's conduct with or without the Taser

30. Plaintiff's father and plaintiff's mother (Christie Jackson) exited the residence.

31. Sabba ordered plaintiff to produce identification.

32. While at the scene, Sabba never notified plaintiff or plaintiff's parents of the reasons he used the Taser on plaintiff.

33. Sabba never charged plaintiff with any violations of any law, and no process for plaintiff's arrest, whether by warrant, summons, or indictment ever issued.

34. At no time did Sabba have any lawful justification to use the force he used on the plaintiff, nor did Sabba have any lawful justification to seize the plaintiff in any manner.

a. Plaintiff's father asked Sabba to call for his supervisor come to the scene.

b. Sabba replied that he had to leave and did not call for a supervisor.

c. Plaintiff's father told Sabba that Sabba should remain while plaintiff's father called the Hamilton County 911 center and requested a supervisor over Sabba to arrive at the scene.

d. Pursuant to the call, Sgt. Nicolas Allen arrived.

e. At no time while at plaintiff's residence did Sabba or Sgt. Allen ever mention to plaintiff or his parents anything about window tint or that Sabba had cause to seize plaintiff because the windows of plaintiff's vehicle were improperly tinted and in violation of law.

f. Sabba later told IAD investigators that he wanted to make sure the driver had a valid driver's license, and that Sabba would have stopped plaintiff because of the tint of the windows on plaintiff's vehicle.

g. In addition, and at no time did Sabba or IAD ever take any steps to measure whether the tint of the windows were in violation of any standards set forth by TENN. CODE ANN. § 55-9-107 or the Federal Motor Vehicle Safety Standard No. 205, as codified in 49 CFR § 571.205.

35. Plaintiff filed a complaint with the City through its Internal Affairs Division ("IAD").

36. Despite Sabba's admission that he used the Taser against plaintiff "in case 'there was a confrontation'" IAD closed the investigation and notified plaintiff in a letter dated March 24, 2014 that plaintiff's complaint was "*unfounded.*"

a. The IAD investigation indicated the video equipment on Sabba's police vehicle at the time of the incident was "inoperable."

b. However, a "Fleet Maintenance Division II" "down sheet" for Sabba's police vehicle dated October 23, 2013 indicated work performed on the "camera" and that the "down sheet" was "closed out."

c. As noted in ¶¶ 39 (k through p), the City has a history of resistance to dissemination of video evidence, and the reasons for the lack of any video evidence in this matter given by IAD are indicia of a ruse to hide any video evidence of the events claimed in this Complaint.

d. Despite the fact that Sabba notified the City via a

37. The use of a Taser constitutes the use or threat of use of deadly force.

38. At least one Court of Appellate Jurisdiction (State v. Rivera, COA11-268, NC Court of Appeals) has held that a Taser is a dangerous weapon that can threaten or endanger a person's life.

**City's Liability:**

39. The City has a pattern of overlooking or providing excuses and reasons to justify the misconduct of its officers and civilian employees in order to retain, promote, and/or re-hire officers who show a pattern of misconduct.

- a. The City, through its police command officers, refused to relieve former assistant police chief Jeanie Snyder of all duties after three much publicized events wherein [1] she appeared under the influence while armed and in a Gwinnett County, Georgia mall whereupon City police officers drove to said county and took Snyder back to Tennessee; [2] was wandering about in a Marion County wood which required a large law enforcement response to find her at much costs to the Tennessee taxpayers; [3] found unconscious at her home due to prescription drug use after she failed to report for a staff meeting.
- b. The City refused to follow the recommendations of its own Internal Affairs Division to discipline Captain Edwin McPherson for untruthfulness after the investigators found McPherson took actions to interfere with a murder investigation that involved his niece as a suspect. The City's command "cleared" McPherson without review by an entity outside of the police department.
- c. The City refused to fire Detective Karl Fields after he made false claims in 2006 that he was a victim of a carjacking in order to cover up that he wrecked his car while drunk and shooting his gun.



- i. The City allowed Fields to remain a police officer, despite his obvious deceit that could have caused an innocent person to be charged with carjacking.
  - ii. The Former City Chief of Police, Steve Parks, observed in the 2006 suspension notice to Fields that Fields had a problem with alcohol.
  - iii. Despite the obvious problems with Fields lack of truthfulness and alcohol, the City actually allowed Fields to become a criminal homicide investigator.
  - iv. This year (2014) Fields used his position as a detective to sexually harass a female rape victim of a case Fields was actively investigating.
  - v. Had the City removed Fields from the police department he would not have been in a position to use his authority to further victimize a rape victim.
- d. The City fired, then, rehired officer Steven Campbell for his part in the infamous beating of two handcuffed suspects in the parking lot of Kanku's gas station, which resulted in a settled federal lawsuit in McCallum and Jones v. City of Chattanooga, et al. The City later assigned Campbell to the S.W.A.T team for the City and an assignment as an investigator/detective.
- e. The City suspended, but did not fire Officer Mike Wenger for his unlawful assault of one of the two men in the aforesaid Kanku's incident which resulted in Trent Jones receiving a facial fracture. The City later promoted Wenger to a detective position, and it was Mike Wenger who covered up crucial exculpatory evidence in a matter that involved Adam Tatum, and Officers Sean Emmer and Adam Cooley (see ¶¶ k and l *infra*).

f. The City refused to fire former detective Kenneth Freeman for his video-recorded assault of a 71 year old greeter at Wal-Mart, which resulted in another settled lawsuit in Walker v. City of Chattanooga in the US District Court. The video also captured Freeman shoving a person who came to the aid of the greeter through a glass door. Edwin McPherson was present and stood by. Despite the clear video evidence of the assault on the 71 year old greeter, and video evidence of Freeman assaulting an attorney (Lloyd Levitt) in the Hamilton County Courthouse, the City allowed Freeman to remain a detective. Freeman had a long history of citizen and internal complaints that placed the City on notice of his propensity for misconduct. Despite the long history and the video evidence of assault on two persons at Wal-mart and the attorney (Lloyd Levitt), it wasn't until a non-video recorded claim of domestic assault against Freeman arose that the City finally terminated Freeman's employment. The City never took action to address McPherson's failure to render aid to the greeter or to stop Freeman from injuring the greeter.

g. The City fired officers Steven Miller and Daniel Gibbs for macing then placing a homeless man, Robert Williams ("Williams"), in the trunk of Gibbs' police car and transporting Williams to Camp Jordan Park in East Ridge, where the officers left Williams by the side of the road. Despite firing these two officers for excessive force and lying about the incident the City rehired and allowed these two officers to return to their employment as police officers.

h. The City had full knowledge of the propensity of former officers Adam Cooley and Sean Emmer to abuse citizens that was the subject another settled lawsuit in Tatum v. City of Chattanooga, et al. filed in this Court.

- i. Specifically, the City was aware of numerous excessive force complaints against Emmer, but cleared him each time and allowed him to remain on full duty despite the City's own internal affairs office "flagging" Emmer as a result of the numerous excessive force complaints.
- j. CPD Sgt. D. Turner ("Turner"), was the supervisor of Cooley, and Emmer. The City requires its officers to write use of force reports whenever its officers use force on a suspect. Since Turner became the supervisor for Cooley, and Emmer, Turner's shift saw a large increase in the use of force. This high and sudden rise in the use of force, coupled with the "flag" placed upon Emmer, put the City on notice that its officers were not properly supervised and trained.
- k. The City had possession of a video of an incident in **June 2012** at a Bureau of Prisons half-way house located at the Salvation Army between Emmer, Cooley, and Adam Tatum, which was the subject of a lawsuit filed as Tatum vs. City of Chattanooga filed in this Court. The video showed overwhelming evidence that Emmer and Cooley used excessive force on Tatum, that multiple City officers merely stood by and watched passively while Emmer and Cooley battered and abused Tatum, and that multiple City officers actually attempted to alter the scene of the beating.
- l. Despite the evidence in the video evidence referenced in ¶ k, Mike Wenger, the officer who charged Tatum with assaulting Emmer and Cooley, failed to disclose the entirety of the video to the district attorney and the Hamilton County Grand Jury (who indicted Tatum with counts of assault upon Emmer and Cooley and other officers). Wenger only disclosed to the district attorney a still shot of the video that showed Tatum with a knife in his hands before Emmer and Cooley arrived.

- m. The result of Wenger's failure to disclose the entire video resulted in a conviction against Tatum for assaulting Emmer and Cooley.
- n. Former Police Chief Bobby Dodd had full knowledge of the video evidence at least one week after the incident (as later claimed by Wenger), but failed to take action against any of the City officers involved in the Tatum incident. Not until Tatum made an internal affairs complaint in **September 2012** and not until the City obtained the conviction against Tatum did the City take action against Emmer and Cooley in the form of suspension and later termination of employment.
- o. The City took no steps to reverse Tatum's convictions after the City suspended Emmer and Cooley. Tatum had to file a petition for post-conviction relief on his own through present counsel and the late Mike Raulston, Esq. Despite an Order from the post-conviction court presided by the Hon. Barry Steelman and entered into the Hamilton County Criminal Court record on January 10, 2013 to release evidence to Tatum's post-conviction counsel and the subsequent efforts of Tatum's post-conviction counsel, the City did not release the entire and exculpatory video to Tatum's post-conviction counsel until some 45 days after the entry of Judge Steelman's Order.

**Paul Page**

- p. Former Mayor Ron Littlefield ("Littlefield") hired his friend Paul Page as the director of the City's General Services.
- q. While employed as an agent for the City, Page was actively engaged in acts of sexual harassment against female City employees and one non-employee.
- r. Despite Littlefield's full knowledge of Page's misconduct, the City failed to take significant action to stop Page's.

s. Rather than take action against Page, the City terminated the employment of one of the women who complained against Page.

t. Despite a finding by the EEOC that Page's misbehavior (which included comments to the female employees about their breasts and comments about sex acts) constituted violations of federal law, the City stood by Page and refused to fire him.

40. The failure of the City's highest ranking police officers to remove officers from duty when they exhibit gross misconduct, exhibit odd behavior, and allow officers fired to later return to their jobs or even promote them later, and to actively delay the disclosure of exculpatory evidence in an incident that involved clear and unambiguous police officer corruption constitutes a deliberate indifference to the public at large and created the atmosphere that allowed Sabba to believe his conduct would go unpunished and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

a. Such conduct by the City through its police command ranks establishes the City cares more about its officers than the public at large, even when its officers persist in conduct that reflects inability to perform duties, and malfeasance of performance.

b. Such conduct by the City through its police command ranks establishes the City cares more about its officers than the public at large, despite recommendations for discipline by its own police personnel tasked with investigating police misconduct.

c. Such conduct by the City through its police command ranks establishes the City allows "procedures" to clear officers charged with misconduct that are

solely in the hands of the police command rank officers, and is tantamount to a sham of internal oversight of its police personnel.

41. The City's failure to take prompt action against Page, and its retaliation against the women who complained about Page, constitutes a deliberate indifference to the public at large and created the atmosphere that allowed Sabba to believe his conduct would go unpunished and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

42. The failure of the City to discipline Page, a friend of the former mayor Ron Littlefield, reveals a systemic culture of depravity and indifference to the laws of the land and the rights of all persons within the corporate limits of the City that permeated to all levels of employees of the City a belief that misconduct was tolerated by the highest levels of City government and thus, would not be reported and punished, and such indifference was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

a. The refusal of the City to take action against Page, and its retaliation against the female employee, and the subsequent defense of Page through its Office of the City Attorney against the EEOC's overwhelming evidence of sexual misconduct by Page created a parallel culture of fear of reprisal among those officers and employees who would report the malfeasance stated herein.

b. Such a culture solidified the "wall of silence" Plaintiff has set forth in this Complaint by Sabba is the direct and proximate cause of Plaintiff's mental anguish and emotional distress.

43. Sabba's use of a Taser under the circumstances set forth in this Complaint, and the finding by IAD that plaintiff's complaint was "unfounded" despite Sabba's admission that he simply used the force of the Taser "*in case* 'there was a confrontation'" reveals the City has

failed to identify that a Taser is dangerous, and has failed to train its police personnel in the proper use of the Taser. Such lack of oversight constitutes the deliberate indifference of the City and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

44. Sabba's admission that he wanted to check the validity of the license of the operator of the vehicle, and the "unfounded" finding by IAD reveals that the City has failed to train its officers as to the prohibition set forth by the US Supreme Court in Delaware v. Prouse against seizing motorists to merely check whether the operator had a valid driver's license.

45. IAD's failure to properly determine if the window tint was indeed a lawful reason to justify Sabba's actions reveals a lack of training on what actually constitutes an improperly tinted car window, when to seize motorists for improper car window tint, and allows the City's police officers to use "window tint" as a pretext for an improper seizure and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

46. In the alternative, the City's continued claims of "inoperable video equipment" or resistance to the release of video evidence unfavorable to its officers demonstrates a deliberate indifference by the City to the public at large or deliberate conduct by the City and created the atmosphere that allowed Sabba to believe his conduct would go unpunished and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

**Count One:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 – Excessive Force and**  
**Seizure without Probable Cause – Deprivation of Equal**  
**Protection**

47. Pursuant to Rule 10 of the Tennessee Rules of Civil Procedure, the Plaintiff reasserts and incorporates fully all averments stated in this Complaint as if fully set out herein.

48. The force used by Sabba under the facts set forth in this Complaint amounted to unlawful and excessive force that carried a high risk of serious bodily harm and death, was unnecessary and unreasonable under the circumstances and was the direct and proximate cause of Plaintiff's mental anguish and emotional distress. No reasonable officer would have acted as Sabba.

49. Sabba's seizure of plaintiff without lawful justification or probable cause, constituted racial profiling, and hence the seizure was unreasonable and was the direct and proximate cause of Plaintiff's mental anguish and emotional distress.

50. Sabba acted under color of law and his negligent and intentional acts deprived the plaintiff his rights secured to him under the United States Constitution to be free from:

- a. Unreasonable seizures of persons, property, and effects, without due process of law (Fourth Amendment).
- b. The right to be free from the unlawful search and seizures stated herein without the Due Process (Substantive Due Process).
- c. Deprivation of rights under the Equal Protection Clause of the Fourteenth Amendment.

51. The City had a duty of care to the plaintiff to ensure that its agents were properly trained in the use of force (to include when to use a Taser), to train and ensure its supervisors do not overlook sudden rises in the use of force by its police officer employees that would place the City on notice of officers who are threats to the public at large and the plaintiff in particular. The City further had a duty to ensure that its agents were properly trained and supervised against making pre-textual traffic stops and to not conduct seizures based upon "racial profiles." This



failure constitutes deliberate indifference by the City and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

52. The City had a duty to properly supervise its officers and to ensure its supervisory officers do not condone unnecessary force and unlawful seizures by officers in their dealings with the public. This failure constitutes deliberate indifference by the City and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

53. The City had a duty to properly investigate and remove officers who display erratic behavior, unwarranted aggression towards citizens, and who concoct and fabricate false police reports and conduct pre-textual traffic stops to justify seizures base upon racial stereotypes and profiling. This failure created an atmosphere that allowed Sabba to believe his conduct would go unpunished and constitutes deliberate indifference by the City and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

54. Consequently, the actions stated in this Complaint created an environment that allowed Sabba to believe that abusive behavior would not be properly monitored, investigated, nor punished. Or if punished, done so lightly or, if terminated, would get re-hired at a later date. And as stated herein, the City's actions with Paul Page created an atmosphere of fear among officers who would report misconduct as stated herein. These failures constitute deliberate indifference by the City and were the direct and proximate cause of plaintiff's mental anguish and emotional distress.

55. The City had a duty to properly train its officers on the use of the Taser, on not conducting traffic stops to merely determine the validity of a person's driver's license, and on the prohibition of racial profiling. This failure created an atmosphere that allowed Sabba to believe

his conduct would go unpunished and constitutes deliberate indifference by the City and was the direct and proximate cause of plaintiff's mental anguish and emotional distress.

56. Plaintiff avers that such actions and omissions on the part of Sabba and the City constitute a violation of § 1983 and were done to deprive the Plaintiff of the following rights established under the United States Constitution:

- a. The right to be free from unreasonable searches and seizures secured to him by the Fourth and Fourteenth Amendments;
- b. The right not to be deprived of life, liberty or property without Due Process as secured to him by the Fourteenth Amendment.
- c. The right to equal treatment as secured to him under the Equal Protection Clause of the Fourteenth Amendment.

57. As to the Equal Protection violation, Sabba's conduct as described in this Complaint was tantamount to racial profiling in that Sabba used the "window tint" as an excuse (when Sabba could not get the plaintiff to commit a traffic violation) to justify his seizure of a young black male driving in a predominantly white section of Hamilton County late at night, and such misconduct was the direct and proximate result of plaintiff's mental anguish and emotional distress.

58. Sabba's conduct was with actual malice toward the plaintiff and with willful and wanton indifference to and with deliberate disregard for the constitutional rights of the plaintiff. Thus the plaintiff is entitled to punitive damages, actual damages, and attorney fees pursuant to 42. U.S.C. §1988 as to Sabba.

59. The omissions of the City constitute deliberate indifference toward the Plaintiff and with willful and wanton indifference to and with deliberate disregard for the constitutional

rights of the Plaintiff. This failure constitutes deliberate indifference and was the direct and proximate cause of plaintiff's mental anguish and emotional distress. Thus the Plaintiff is entitled to actual damages, and attorney fees pursuant to 42. U.S.C. §1988 as to the City.

**Count Two:**  
**Common Law Assault**

60. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers Sabba's actions were without lawful justification and placed the plaintiff in fear and apprehension of immediate bodily harm or death and constitutes assault at common law by Sabba and further resulted in plaintiff's mental anguish and emotional distress.

**Count Three:**  
**Intentional infliction**  
**of emotional distress**

61. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers Sabba's actions were without lawful justification but were with malice, which placed plaintiff in fear and apprehension of immediate bodily harm or death, and further resulted in plaintiff's mental anguish and emotional distress.

**Count Four:**  
**Negligent infliction**  
**of emotional distress**

62. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers Sabba's actions were without lawful justification, were negligent in that Sabba failed to properly recognize that plaintiff was not a threat in any manner whatsoever but still used a Taser without lawful justification, and these omissions placed plaintiff in fear and apprehension of immediate bodily harm or death, and further resulted in plaintiff's mental anguish and emotional distress.

**Count Five:**  
**False Imprisonment**

63. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers Sabba's actions were without justification, and Sabba unlawfully held plaintiff against his will and further resulted in plaintiff's mental anguish and emotional distress.

a. No judicial process ever issued for plaintiff's arrest, no summons ever issued for plaintiff's arrest, and no grand jury returned an indictment against plaintiff.

b. At no time did Sabba, or a subsequent supervisor over Sabba (Sgt. Nicolas Allen), who arrived at the scene pursuant to the request of Maurice Jackson, Sr., ever notify plaintiff or his parents that Sabba has cause to seize plaintiff because the windows of plaintiff's vehicle were improperly tinted and in violation of law.

**WHEREFORE**, the plaintiff demands judgment against the defendants and requests the following relief:

A. The Court to award compensatory damages in the amount of one hundred thousand dollars (\$100,000) against the City and Sabba and punitive damages in the amount of five hundred thousand dollars (\$500,000) against Sabba in his individual capacity.

B. That the Court award attorney's fees;

C. That the Court award costs, and discretionary costs;

D. Any other relief the Court may deem fit and proper;

E. Any other relief the Court may deem fit and proper pursuant to 42 U.S.C. §1988,  
and

F. Allow a jury trial on all issues.

Respectfully submitted,

By: 

**ROBIN RUBEN FLORES**

TENN. BPR #20751

GA. STATE BAR #200745

Attorney for Plaintiff

4110-A Brainerd Road

Chattanooga, TN 37411

423 / 267-1575 fax 267-2703

[robinflores@epbf.com](mailto:robinflores@epbf.com)