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Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

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and were at all times relevant to this matter acting under color of law and under color of their offices with the County.

4. Plaintiff maintains that Walls and Collins committed these violations, further set forth herein, as a result of policies, customs, practices, and/or procedures of the County.

5. At all times during the events herein described Walls and Collins' acts and omissions subjected Plaintiff to mental anguish/emotional distress, humiliation, and physical injuries.

6. At all times during the events herein described Walls and Collins failed to take action to prevent the Plaintiff from suffering pain and mental anguish, enduring humiliation, and physical injuries.

7. At all times during the events herein described Walls and Collins were engaged in a joint venture and assisted each other in performing the various acts described herein and lent their physical presence and support in performing their various actions as described herein and lent the authority of their respective offices to each other during the said events.

**Jurisdiction and Venue:**

8. This is an action to redress the deprivation of rights secured to Plaintiff by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution (enforceable through 42 U.S.C. § 1983) and for violations of Tennessee 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) and Poling v. Goins, 713 S.W.2d 305, 306 (Tenn. 1986). This Court is vested with original jurisdiction over Plaintiff's state claims pursuant to TENN. CODE ANN. § 16-10-101, et seq.

9. Venue is proper in this Court pursuant to TENN. CODE ANN. § 20-4-102. All acts complained of occurred within Bradley County, Tennessee. In addition:

- a. Plaintiff is a resident of Bradley County, Tennessee.
- b. To the best of Plaintiff's knowledge Walls and Collins are residents of Bradley County, Tennessee.
- c. County is a political sub-division of the State of Tennessee.

**The Parties:**

10. At all times relevant to this cause of action, Plaintiff was a citizen of the United States and a resident and citizen of the State of Tennessee.

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

- a. The County finances its law enforcement department identified and averred as the Bradley County Sheriff's Department ("sheriff's department") and provides rules and regulations for the operation of the sheriff's department.
- b. The County provides oversight of the hiring, training, supervision, discipline, and retention of all personnel in its sheriff's department.

12. At all times relevant to this cause of action, the County is responsible for the creation and maintenance of its sheriff's 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 operation, and oversight of the sheriff's department.
- b. The safe and humane treatment of all persons by its agents.

- c. The training and certification of its agents to include training of its agents in the proper use of force when confronting any person and when to recognize they have probable cause to effect and arrest of any person and when to enter the property of any person.

13. At all times relevant to this cause of action, the County, through its sheriff's department, is responsible for:

- a. The creation of rules and regulations to properly identify officers who have a recurring pattern of misconduct or conduct that would place its supervisory personnel and the County on notice of officers who are a threat to citizens within its jurisdiction.
- b. The creation of 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 County on notice of officers who are a threat to citizens within its jurisdiction, and
- c. The County and its sheriff's department is responsible to ensure it does not hire, retain, re-hire, or promote its agents who have a recurring pattern of misconduct or conduct that would place its supervisory personnel on notice and the County on notice of officers who are a threat to citizens within its jurisdiction.

14. Plaintiff sues the County in its governmental capacity.

15. At all times relevant to this cause of action, Walls and Collins were employed by the County and acted under the color of law, statute, ordinance, regulation, custom, or usage and operated under color of their respective offices. In addition:

- a. At all times relevant to this cause of action, Walls and Collins acted in their official capacities as agents, servants, and employees for the County as defined under TENN. CODE ANN. § 29-20-102.
- b. Plaintiff sues Walls and Collins in their individual and official capacities.

**Factual Basis of Claims:**

- 16. Eric Watson (“Watson”) is the elected sheriff of the County.
- 17. On July 19, 2017 and again on September 20, 2017, the Bradley County Grand Jury indicted Watson on multiple felonies arising from an investigation by the Tennessee Bureau of Investigation into Watson and his participation in the sale of motor vehicles. The State of Tennessee later declined to prosecute Watson.
  - a. At no time while Watson was under indictment did he go on administrative leave and in fact remained in full command of the sheriff’s department.
  - b. At no time while Watson was under indictment did the County take any steps to place Watson on administrative leave.
- 18. On April 15, 2017, Watson, his wife Tenille Watson, and bonding agent Bernie King crossed into Murray County, Georgia to look for one of Tenille Watson’s clients who had skipped bail.
  - a. Tenille Watson is Watson’s wife and works for Cumberland Bonding Company.
  - b. Watson, Tenille Watson, and bonding agent Bernie King, while occupying a black Tahoe, seized Timothy Tallent at gun point by

removing him from a vehicle. Watson had no lawful authority to take such action against Tallent.

- c. County recently settled with Tallent a claim Tallent had against the County in regard to the event.

19. Also during the same time frame as the events in Georgia, Watson threatened jail inmates in his charge and care for gossiping about Tenille Watson. A corrections officer at the jail documented the incident in an email.

20. Since Watson has been sheriff, the County has been sued about 25 times for a wide range of claims involving the sheriff's department ranging from excessive force to the death of inmates in the county jail.

21. Watson has been involved in 16 warrant attempts between June 2016 and May 2017. Of those, eight involved people whose bonds were written by Tenille Watson or other agents for her employer.

22. Tenille Watson works in Bradley County as a bail bondsperson, the same county that Watson presides as sheriff.

23. Tennessee Code Section 40-11-128 prohibits the spouse of a deputy sheriff from serving as a bail bondsperson if the spouses commingle funds. See OAG 14-80, 2014 Tenn. AG LEXIS 83 (9/4/14). Plaintiff avers that this prohibition applies to Watson and Tenille Watson. Yet, Watson has taken no steps to prevent his wife from writing bonds in Bradley County.

24. On October 25, 1991, the Bradley County Grand Jury issued a report in regard to the criminal conduct of Arnold Botts ("Botts"). At that time, Botts was the Cleveland City Chief of Police.

- a. Botts was under scrutiny for sexual misconduct.

b. The Grand Jury declined to indict Botts as partially indicated in the following:

The District Attorney General was instructed to report back to the Grand Jury on Friday, October 25, 1991 at 10:00 am. At that time, it was reported to the Grand Jury that Arnold Botts had resigned as Cleveland City Police Chief, and will not ever re-enter public law enforcement in any capacity, which the Grand Jury finds appropriate under the circumstances.

...

The Grand Jury recommends the District Attorney General forward a copy of this report to the P.O.S.T. Commission.

25. On October 24, 1991, Botts authored and delivered a letter to then District Attorney General Jerry Estes ("Estes") a letter wherein Botts stated the following:

You are hereby assured that I do not intend to, and will not, at any time in the future, re-enter public law enforcement in any capacity.

26. Soon after his election, Watson hired Botts to act as the "Director of Administration" for the sheriff's department.

27. The current web site for the sheriff's department touts Botts' experience without mention of the matters that led to his resignation from the Cleveland Police Department.

28. The same web site states that Botts "retired" from the Cleveland Police Department.

28. Walls once worked for the Cleveland Police Department.

30. While working for the Cleveland Police Department, Walls was disciplined for conduct unbecoming an officer in regard to FaceBook comments.

31. On or about October 1, 2015, the City of Cleveland fired Walls for his role in an alleged rape of a woman and his extramarital affair with the same woman while on police duty.

32. The County has a web page that set forth the times of any year where anyone who wants to burn items must obtain a permit and states as follows:

A burn permit is required for residents living in Bradley County from **October 15 to May 15**. To obtain a burn permit contact the Tennessee Department of Agriculture Forestry Division.

33. The same web page further informs the public that a person cannot burn “leaves and trees not grown at burn site.”

34. On **August 4, 2017**, Plaintiff and an assistant were conducting a controlled burn of vegetation grown on Plaintiff’s property located at 223 Mitchell Road, SE.

35. Plaintiff’s property is secured by a fence.

36. Members of the local fire department had arrived and were next door.

37. Plaintiff went to see why the fire department was next door and found Plaintiff’s fire had gone from the vegetation Plaintiff burned to his grass. Plaintiff did not call for the fire department.

38. Plaintiff immediately put the fire out with his feet.

39. Corey Davis (“Davis”), a member of the fire department called out to Plaintiff from outside Plaintiff’s fenced property and demanded that Plaintiff allow the fire department onto Plaintiff’s property to spray water. Davies was accompanied by other members of the fire department.

40. Plaintiff refused, and told Davis since the fire was out that the services of the fire department was not necessary.

41. Davis told Plaintiff, “Here’s the deal. We want to come over and spray.”

42. Plaintiff again refused Davis entry, and again Davis demanded entry.

43. Davis then jumped onto Plaintiff’s fence and yelled, “I can see it burning.”



44. The other firemen present began to call Plaintiff a “fucking idiot,” and a “fucking loudmouth.”
45. Another fireman began to threaten Plaintiff, and without crossing the fence onto Plaintiff’s property, approached Plaintiff in a menacing manner.
46. Davis restrained this threatening fireman.
47. Plaintiff went to retrieve a chain to lock his gate, and upon his return was confronted by Walls.
48. Walls told Plaintiff that Plaintiff had to speak with him, and Plaintiff refused.
49. Walls then told Plaintiff that if Plaintiff did not speak with him, that he would cite Plaintiff for “illegal burning.”
50. Plaintiff then asked Walls to the effect, ‘so if I won’t talk with you then you threaten me?’
51. Walls then returned to where Davis, Adam Ensley, Lee Varnell, and the threatening fireman had gathered (off Plaintiff’s property).
52. Adam Ensley (“Ensley”) is a deputy sheriff for the sheriff’s department.
53. Ensley’s father Albert Ensley and his uncle Roy Ensley manage the farm property adjacent to Plaintiff’s property.
54. Walls and Collins entered upon Plaintiff’s property without lawful authority of any type and approached Plaintiff as Plaintiff sat on his “4-wheeler.”
55. Walls and Collins demanded Plaintiff give them identification.
56. Plaintiff questioned why.
57. Walls told Plaintiff to get off the 4-wheeler, and Plaintiff asked why?

58. At no time did Walls or Collins ever answer Plaintiff's questions as to why he had to provide identification or dismount his 4-wheeler.

59. Plaintiff told Walls and Collins to leave Plaintiff's property and that they had no right to be on his property.

60. Walls and Collins ignored Plaintiff. Rather than tell Plaintiff their purpose for being on Plaintiff's property, Walls and Collins, without any lawful justification, grabbed Plaintiff, twisted Plaintiff's wrists, and assisted one another in placing handcuffs on Plaintiff so tightly as to cause Plaintiff excruciating pain. These two defendants handcuffed Plaintiff with his hands behind his back and then used the handcuffs as a device to needlessly inflict pain on Plaintiff and to force Plaintiff to answer questions and to comply with unlawful commands.

61. When Plaintiff told defendants Walls and Collins that he was not resisting these two defendants yelled, "stop resisting" and then further clamped the handcuffs down onto Plaintiff's wrists while twisting them in such a manner as to further cause Plaintiff excruciating pain.

62. Walls asked Plaintiff to answer questions without Miranda warning. When Plaintiff refused to respond, Walls lifted Plaintiff up by Plaintiff's handcuffed hands (that were still behind Plaintiff's back) and jerked Plaintiff's arms upwards until Plaintiff finally answered Walls.

63. At no time did Collins take any action to stop Walls.

64. While Walls and Collins were hurting Plaintiff, the firemen identified herein and at the direction of Walls and Collins, entered Plaintiff's property and sprayed water on Plaintiff's property.

65. At no time did any fireman have Plaintiff's permission to enter onto his property and spray water. At no time did Walls and Collins have any lawful authority to grant the firemen "permission" to enter Plaintiff's property and spray water onto Plaintiff's property.

66. At no time did Walls and Collins have permission from Plaintiff to enter Plaintiff's property.

67. At no time did Walls and Collins have any exigent circumstance to enter Plaintiff's property, especially since there was no active fire at this time.

68. During the time Walls and Collins were hurting Plaintiff, Plaintiff told them they were hurting him and to stop. Walls and Collins refused and instead belittled and mocked Plaintiff.

69. At no time did Walls or Collins take steps to stop the other from hurting Plaintiff nor did either Walls or Collins seek medical assistance for Plaintiff.

70. When Plaintiff told Walls that he wanted to file a complaint about Wall's conduct, Walls replied that he could file a complaint with Collins, who was a "supervisor."

71. After the firemen sprayed their water onto Plaintiff's property, Walls and Collins wrote a citation ("citation") to Plaintiff charging Plaintiff with "unattended fire."

72. On or about December 19, 2017, the State of Tennessee dismissed the charge without conditions.

73. On or about August 8, 2017, Plaintiff filed a complaint against Walls and Collins for the acts and omissions set forth herein.

- a. Plaintiff went to the sheriff's department to file this complaint and was directed by a county employee identified as "Sheree Davis" that Plaintiff had to see "Captain Botts."

74. Plaintiff submitted his complaint to Botts and spoke to Botts.

75. While in the office, Plaintiff referred to Botts as "Captain Botts," and Botts did not correct Plaintiff as to Botts' true position at the sheriff's department or his status as a law enforcement officer. The whole time while Plaintiff was with Botts, Botts actions led Plaintiff to reasonably believe that Plaintiff was making his complaint about Walls and Collins to a law enforcement captain with authority and oversight as an "internal affairs" investigator.

76. Botts told Plaintiff that he would not do anything until after the criminal charge brought by Walls and Collins was resolved.

77. As of the time of this complaint, there has been no action taken by the county or anyone from the sheriff's department to respond to or to resolve Plaintiff's complaint.

**Causes of Action:**

**Count One:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Excessive Force**

78. The force Walls and Collins used against Plaintiff amounted to unlawful force that carried a high risk of causing serious bodily harm, was unnecessary and unreasonable under the circumstances, and was the type of torture seen in totalitarian governments. No reasonable law enforcement officer would act in this manner. Furthermore, these actions were the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

79. The failure of Walls and Collins to intervene and stop the other in their actions as set forth herein and their failure to seek medical care for Plaintiff constituted a joint effort in which they participated as equals.

80. The County's failure to take action in response to the indictment of Watson; Watson's conflict of interests with his wife; Watson's actions in Murray County, Georgia;

Watson's unlawful retaliation against inmates in his care for "gossiping" about Tenille Watson; Watson's record of lawsuits during his tenure as sheriff; Watson's hiring of Botts and Walls despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed. This deliberate indifference was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

81. Walls and Collins acted under color of law and their negligence and intentional acts along with the deliberate indifference of the County deprived the Plaintiff of his rights secured to him under the Fourth and Fourteenth Amendments to United States Constitution to be free from unreasonable seizures of persons, property, and effects, without Due Process of Law.

82. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Two:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Seizure without Probable Cause**

83. Walls and Collins had no probable cause to seize and charge Plaintiff in that there was no criminal conduct occurring in their presence or any criminal conduct at all. Rather, there was nothing happening beyond the firemen's desire and insistence to spray water onto Plaintiff's property and the anger of Walls and Collins toward Plaintiff. Plaintiff had every right to deny entry of the firemen and Walls and Collins who had neither a warrant, probable cause, or exigent circumstance. Walls and Collins entered Plaintiff's property and seized Plaintiff without any warrant, probable cause, or exigent circumstance. No reasonable law enforcement officer would

act in this manner. The actions and omissions of Walls and Collins was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

84. The failure of Walls and Collins to intervene and stop the other and their actions as set forth herein constituted a joint effort in which they participated as equals.

85. The County's failure to take action in response to the indictment of Watson; Watson's conflict of interests with his wife; Watson's actions in Murray County, Georgia; Watson's unlawful retaliation against inmates in his care for "gossiping" about Tenille Watson; Watson's record of lawsuits during his tenure as sheriff; Watson's hiring of Botts and Walls despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed. This deliberate indifference was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

86. Walls and Collins acted under color of law and their negligence and intentional acts along with the deliberate indifference of the County deprived the Plaintiff of his rights secured to him under the Fourth and Fourteenth Amendments to United States Constitution to be free from unreasonable seizures of persons, property, and effects, without due process of law.

87. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Three:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Violation of "Miranda"**

88. Walls and Collins failed to properly give Plaintiff “Miranda” warnings before they began questioning him about ownership of the property. Walls and Collins then resorted to torture of Plaintiff in such a manner to force Plaintiff to answer their questions. No reasonable law enforcement officer would act in this manner. Walls and Collins used Plaintiff’s responses to bring the criminal charge against Plaintiff. The actions and omissions of Walls and Collins was the direct and proximate cause of Plaintiff’s injuries, needless suffering, humiliation, and mental anguish.

89. The failure of Walls and Collins to intervene and stop the other and their actions as set forth herein constituted a joint effort in which they participated as equals.

90. The County’s failure to take action in response to the indictment of Watson; Watson’s conflict of interests with his wife; Watson’s actions in Murray County, Georgia; Watson’s unlawful retaliation against inmates in his care for “gossiping” about Tenille Watson; Watson’s record of lawsuits during his tenure as sheriff; Watson’s hiring of Botts and Walls despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed. This deliberate indifference was the direct and proximate cause of Plaintiff’s injuries, needless suffering, humiliation, and mental anguish.

91. Walls and Collins acted under color of law and their negligence and intentional acts along with the deliberate indifference of the County deprived the Plaintiff of his rights secured to him under the Fifth and Fourteenth Amendments to United States Constitution to be free from unreasonable seizures of persons, property, and effects, without due process of law.

92. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Four:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Deprivation of Substantive Due**  
**Process by Abuse of Process and**  
**Malicious Prosecution**

93. Walls and Collins sought and obtained a criminal charge of unlawful burning without probable cause. The State of Tennessee dismissed the charge without conditions.

94. Walls and Collins obtained the criminal charges in their attempt to provide justification for their assault on the Plaintiff. No reasonable law enforcement officer would act in this manner.

95. Walls and Collins acted under color of law and their intentional acts deprived the Plaintiff without Due Process of Law of his rights secured to him under the Fourteenth Amendment to United States Constitution to be free from malicious and abusive prosecution based upon false claims.

96. The County's failure to take action in response to the indictment of Watson; Watson's conflict of interests with his wife; Watson's actions in Murray County, Georgia; Watson's unlawful retaliation against inmates in his care for "gossiping" about Tenille Watson; Watson's record of lawsuits during his tenure as sheriff; Watson's hiring of Botts and Walls despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed.



This deliberate indifference was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

97. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Five:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Deprivation of Due Process by**  
**Failure to Prevent Harm and to**  
**Rescue Plaintiff**

98. Walls and Collins failed to intervene and prevent the other from their use of excessive and unlawful force upon Plaintiff and to rescue the Plaintiff from one another's misconduct. While Plaintiff was in the custody of Walls and Collins, these two defendants had a duty to protect the Plaintiff from the harm their fellow inflicted upon Plaintiff and a duty to seek medical care for Plaintiff. The failures of Walls and Collins were the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

99. The County's failure to take action in response to the indictment of Watson; Watson's conflict of interests with his wife; Watson's actions in Murray County, Georgia; Watson's unlawful retaliation against inmates in his care for "gossiping" about Tenille Watson; Watson's record of lawsuits during his tenure as sheriff; Watson's hiring of Botts and Walls despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed. This deliberate indifference was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

100. The example of the County as to Watson, Botts, and Walls constituted deliberate indifference of the County, and set forth the custom or policy that allowed Walls and Collins to assault the Plaintiff in the full view of the firemen. This brazen level of assault under these circumstances can only be attributed to the example set by the County of lax discipline, and was the direct and proximate cause of the Plaintiff's injuries. This example created a zone of danger wherein the Plaintiff was set into an environment where misconduct was not only tolerated, but condoned.

101. Walls and Collins acted under color of law and their negligence and intentional acts along with the deliberate indifference of the County deprived the Plaintiff without Due Process of Law of his rights secured to him under the Fourteenth Amendment to United States Constitution to not be harmed, or injured by a Walls and Collins.

102. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Six:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Deprivation of Due Process by**  
**Creation of Danger and Failure**  
**to Protect Plaintiff from the Danger**

103. Once the Plaintiff was in the joint custody of Walls and Collins, there existed a special relationship between the Plaintiff and all defendants, and all the defendants had a duty to protect the Plaintiff.

104. The County's failure to take action in response to the indictment of Watson; Watson's conflict of interests with his wife; Watson's actions in Murray County, Georgia; Watson's unlawful retaliation against inmates in his care for "gossiping" about Tenille Watson; Watson's record of lawsuits during his tenure as sheriff; Watson's hiring of Botts and Walls

despite their well-documented history of misconduct; constituted a custom or practice that carried the force of official policy and was the motivator behind the actions of Walls and Collins. This failure of the County created an example that no matter the level or seriousness of misconduct, that any claim against an agent of the County would not be punished nor addressed. This deliberate indifference was the direct and proximate cause of Plaintiff's injuries, needless suffering, humiliation, and mental anguish.

105. The example of the County as to Watson, Botts, and Walls constituted deliberate indifference of the County, and set forth the custom or policy that allowed Walls and Collins to assault the Plaintiff in the full view of the firemen. This brazen level of assault under these circumstances can only be attributed to the example set by the County of lax discipline, and was the direct and proximate cause of the Plaintiff's injuries. This example created a zone of danger wherein the Plaintiff was set into an environment where misconduct was not only tolerated, but condoned.

106. Walls and Collins acted under color of law and their negligence and intentional acts along with the deliberate indifference of the County deprived the Plaintiff without Due Process of Law of his rights secured to him under the Fourteenth Amendment to United States Constitution to not be placed into an environment where Walls and Collins would feel free to torture and harm Plaintiff. The deliberate indifference of the County created a zone of danger that placed the Plaintiff in the helpless and dependent position of being in the custody of individuals who would participate in and cover up official misconduct.

107. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Seven:**  
**Tenn. Code Ann. § 8-8-302**

108. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that the County is statutorily liable to the plaintiff for the acts and omissions of Walls and Collins, and therefore Plaintiff seeks damages against the County based upon Tenn. Code Ann. § 8-8-302.

**Count Eight:**  
**Civil Conspiracy**

109. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that such actions and omissions of the individual defendants constituted a civil conspiracy and were the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

110. Plaintiff sues Walls and Collins in their individual capacities.

**Count Nine:**  
**Common Law Assault**

111. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that such actions and omissions on the part of Walls, Collins, and the County constitutes a violation of this common law of Tennessee and were the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

112. The County was on prior notice that Walls had a propensity to misconduct, and yet still hired him.

113. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Ten:**  
**Common Law Battery**

114. Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that such actions and omissions on the part of Walls, Collins, and the County constitutes a violation of this common law of Tennessee and were the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

115. The County was on prior notice that Walls had a propensity to misconduct, and yet still hired him.

116. Plaintiff sues Walls and Collins in their individual and official capacities and the County in its governmental capacity.

**Count Eleven:**  
**Intentional Infliction**  
**of Emotional Distress**

117. As to Walls and Collins, Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that such actions and omissions on the part of Walls and Collins in their individual capacities constitutes a violation of this common law of the State of Tennessee and were the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

118. Plaintiff sues Walls and Collins in their individual capacities.

**Count Twelve:**  
**Negligent Hiring**

119. The County was aware of the past misconduct of Walls. However, the County hired him anyway.

120. The County hired and placed Botts into a position of an internal affairs investigator with the full knowledge of his propensity of misconduct.

121. As a direct and proximate result of the County's negligent hiring of Botts and Walls, the County causes a situation wherein the deprivations claimed herein could occur and flourish and was the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

**Count Thirteen:**  
**Malicious Prosecution**

122. As to Walls and Collins, Plaintiff incorporates fully all averments stated in this Complaint as if fully set out herein and avers that such actions and omissions on the part of Walls and Collins in their individual capacities constitutes a violation of this common law of the State of Tennessee and were the direct and proximate cause of the Plaintiff's injuries, humiliation, needless suffering, and mental anguish.

123. To be sure, the State of Tennessee dismissed the criminal charges brought by Walls and Collins without conditions,

124. Plaintiff sues Walls and Collins in their individual capacities.

**Other claims:**

125. The omissions of the County constituted willful and wanton indifference to and with deliberate disregard for the constitutional civil rights of the Plaintiff. Thus the Plaintiff is entitled to actual damages, and attorney fees pursuant to 42. U.S.C. §1988.

126. Walls and Collins committed their acts against Plaintiff with actual malice toward the Plaintiff and with willful and wanton indifference to and with deliberate disregard for the constitutional civil rights of the Plaintiff. Thus the Plaintiff is entitled to punitive damages, actual damages, and attorney fees pursuant to 42. U.S.C. §1988.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants and requests the following relief:

- A. The Court to enter judgment against all Defendants and to award Plaintiff compensatory damages in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000);
- B. The Court to enter judgment against the individual Defendants and to award Plaintiff punitive damages in the amount of ONE MILLION DOLLARS (\$1,000,000);
- C. That the Court award attorney's fees;
- D. That the Court award costs, and discretionary costs;
- E. Any other relief the Court may deem fit and proper;
- F. Any other relief the Court may deem fit and proper pursuant to 42 U.S.C. § 1988, and
- G. Allow a jury trial on all issues.

Respectfully submitted,

By: 

**ROBIN RUBEN FLORES**

**TENN. BPR #20751**

**GA. STATE BAR #200745**

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