

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

DAWSON BLEVINS) Case No. 3:25-cv-363-DJH
)
 PLAINTIFF)
)
 v.)
)
 JAMES CAMERON WRIGHT)
 820 New Glendale Road)
 Elizabethtown, KY 42701)
 In His Individual and Official Capacities)
)
 AND)
)
 JEREMY SMITH)
 820 New Glendale Road)
 Elizabethtown, KY 42701)
 In His Individual and Official Capacities)
)
 AND)
)
 MORRIS W. FARRIS)
 820 New Glendale Road)
 Elizabethtown, KY 42701)
 In His Individual Capacity)
)
 AND)
)
 BRAD RILEY)
 820 New Glendale Road)
 Elizabethtown, KY 42701)
 In His Individual Capacity)
)
 AND)
)
 MATTHEW J. JOHNSON)
 919 Versailles Road)
 Frankfort, KY 40601)
 In His Individual and Official Capacities)
)
 AND)
)
 MICHAEL ROGERS)

919 Versailles Road)
Frankfort, KY 40601)
In His Individual and Official Capacities)
)
AND)
)
CHAD WHITE)
919 Versailles Road)
Frankfort, KY 40601)
In His Individual and Official Capacities)
)
AND)
)
PHILLIP BURNETT, JR.)
919 Versailles Road)
Frankfort, KY 40601)
In His Individual and Official Capacities)
)
DEFENDANTS)

**COMPLAINT FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF, WITH
JURY DEMAND EDORSED HEREON**

Comes Plaintiff Dawson Blevins (hereinafter “Plaintiff”), by and through Counsel, for his *Complaint for Damages, Declaratory and Injunctive Relief with Jury Demand Endorsed Hereon* (the “Complaint”) against Defendants, states and alleges as follows:

INTRODUCTION

1. The action involves the deprivation of Plaintiff’s Fourth and Fourteenth Amendment rights by the official and individual capacity Defendants named herein. The underlying matter involved an encounter and arrest of Plaintiff by Defendant Wright on June 19, 2024. This action also involves the continuation of a disturbing pattern by Defendant Wright of engaging in the excessive use of force and is the third such incident in the last five years that resulted in a federal civil rights lawsuit. As a result of the gratuitous and excessive use of force that Defendant Wright inflicted upon him, Plaintiff suffered significant injury. This action challenges and seeks redress for the Constitutional violations committed by Defendant Wright

against Plaintiff. The suit seeks money damages against the individual capacity Defendants, and injunctive and declaratory relief against the official capacity Defendants under U.S.C. § 1983, attorney fees under 42 U.S.C. § 1988, and under state law.

PARTIES

2. At all times relevant herein, Plaintiff is and was a citizen and domiciliary of the Commonwealth of Kentucky.

3. At all times relevant herein, Defendant James Cameron Wright (“Wright”), was and is a citizen and domiciliary of the Commonwealth of Kentucky. He is also a member of Post 4, Kentucky State Police (“KSP”). At all times relevant hereto, he was acting under color of law, in connection with his position as a Trooper with the KSP. He is sued solely in his individual capacity for monetary damages.

4. At all times relevant herein, Defendants Morris Farris (“Farris”) and Brad Riley (“Riley”) served as Lieutenants with Post 4, at the Kentucky State Police, and were and are responsible for supervising Defendant Wright and other Troopers within the post. Farris and Riley are sued for supervisory liability under § 1983 in their individual capacities only for monetary damages. Farris and Riley “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012).

5. At all times relevant herein, Defendant Jeremy Smith (“Smith”) was the Post 4 Commander with the Kentucky State Police and has served in that position since April 21, 2022. He was the commander of Defendant Wright and, as explained herein and at all times relevant hereto, he was acting under color of law in connection with his position as a Captain with the KSP

and his supervision of Defendant Wright and other Troopers within that post. Smith “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). Smith is sued for supervisory liability under § 1983 for monetary damages in his individual capacity, and in his official capacity for prospective injunctive and declaratory relief.

6. At all times relevant herein, Defendant Matthew Johnson (“Johnson”) was the West Troop Commander with the Kentucky State Police who, among other things, supervised Post 4 of the Kentucky State Police. At all times relevant hereto, he was acting under color of law in connection with his position as a Major with the KSP. Johnson “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). Johnson is sued for supervisory liability under § 1983 for monetary damages in his individual capacity, and in his official capacity for prospective injunctive and declaratory relief.

7. At all times relevant herein, Defendant Michael Rogers (“Rogers”) was the Office of Operations Commander with the Kentucky State Police who, among other things, supervised West Troop and Post 4 of the Kentucky State Police. At all times relevant hereto he was acting under color of law in connection with his position as a Lt. Colonel with the KSP. Rogers “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this

deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). Rogers is sued for supervisory liability under § 1983 for monetary damages in his individual capacity, and in his official capacity for prospective injunctive and declaratory relief.

8. At all times relevant herein, Defendant Chad White (“White”) was the Deputy Commissioner with the Kentucky State Police who, among other things, supervised Operations, West Troop, and Post 4 of the Kentucky State Police. At all times relevant hereto he was acting under the color of law in connection with his position as a Colonel with the KSP. White “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). White is sued for supervisory liability under § 1983 for monetary damages in his individual capacity, and in his official capacity for prospective injunctive and declaratory relief.

9. At all times relevant herein, Defendant Phillip Burnett (“Burnett”) was the Commissioner with the Kentucky State Police who, among other things, supervised Operations, West Troop, and Post 4 of the Kentucky State Police. At all times relevant hereto, he was acting under the color of law in connection with his position as a Colonel with the KSP. Burnett “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). Burnett is sued for

supervisory liability under § 1983 for monetary damages in his individual capacity, and in his official capacity for prospective injunctive and declaratory relief.

JURISDICTION AND VENUE

10. Subject matter jurisdiction over the federal claims and causes of action asserted by Plaintiff in this action is conferred on this Court pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1988. 28 U.S.C. § 1331, 28 U.S.C. § 1343, 28 U.S.C. §§ 2201 and 2202, and other applicable law.

11. This Court has personal jurisdiction over Defendants because they are citizens of and reside in Kentucky.

12. Venue in this District and division is proper, pursuant to 28 U.S.C. § 1391 and other applicable law, because all of the deprivations of Plaintiff's Constitutional Rights occurred in counties within this District, and future deprivations of his Constitutional Rights are threatened and likely to occur in this District.

FACTS COMMON TO ALL CLAIMS

**Background of Defendant Wright's Repeated Use of Excessive Force and Perjury
In a Prior Case Before This Court**

The Justin Halcomb Incident

13. On or about March 5, 2020, several Kentucky Troopers, including Defendant Wright, were involved in a chase of Justin Halcomb ("Mr. Halcomb"). Mr. Halcomb ultimately stopped his vehicle, stepped out, and placed his hands on his truck demonstrating compliance.

14. Defendant Wright then approached Mr. Halcomb, who was not resisting arrest, and threw him to the ground, shoved his head into the asphalt, and repeatedly and gratuitously struck him as Mr. Halcomb is then piled on by multiple officers, with Defendant Wright engaging in what has now become a pattern and practice of excessive force by Defendant Wright.

15. Defendants Johnson, Rogers, White, and Burnett were aware of this incident with Mr. Halcomb, either at the time of or shortly thereafter, but signed off on and approved Defendant Wright's use of excessive force and elected not to take any meaningful corrective action.

16. Upon information and belief, Defendants Riley, Farris, and Smith were aware of this incident with Mr. Halcomb either at the time of or shortly thereafter and were aware of Defendant Wright's use of excessive force and elected not to take any meaningful corrective action.

The Thomas Davis Incident

17. On April 2, 2020, Defendant Wright engaged in the apprehension of Thomas Davis ("Mr. Davis").

18. Mr. Davis was stopped, and Defendant Wright then opened Mr. Davis's driver's door, immediately threw Mr. Davis to the ground even though Mr. Davis was not actively resisting, and Defendant Wright then repeatedly and gratuitously struck him.

19. Defendants Johnson, Rogers, White, and Burnett were aware of this incident with Mr. Davis, either at the time of or shortly thereafter, but signed off on and approved Defendant Wright's use of excessive force and elected not to take any meaningful corrective action.

20. Upon information and belief, Defendants Riley, Farris, and Smith were aware of the incident involving Mr. Davis either at the time of or shortly thereafter and were aware of Defendant Wright's use of excessive force and elected not to take any meaningful corrective action.

The Alex Hornback Incident

21. On or about April 9, 2020, at approximately 1930 hours, three Kentucky State Troopers, Thomas Czartorski ("Czartorski"), Defendant Wright, and Kevin Dreisbach ("Dreisbach"), proceeded to execute an arrest warrant of Alex Hornbak ("Alex"), at the home

owned by Kevin (“Kevin”) and Sonia Hornback, where Alex was also residing, and located at 166 S. Cole Ridge Road, Shepherdsville, KY 40165.

22. The warrant execution began when the three troopers knocked on the door, Kevin answered it and the officers indicated they wanted to speak to Alex. Kevin asked the officers what they wanted Alex for.

23. Kevin also asked whether they had a warrant, but the officers responded that they would not tell him.

24. Defendant Wright and Czartorski entered the home, with Dreisbach going around the back, when Kevin informed Wright and Czartorski he would take them downstairs to where Alex was.

25. Alex came out to see what the noise was. From that second onward, Alex did not resist, nor did he fail to comply with any commands issued by officers.

26. Czartorski told Alex to place his hands on the wall, and Alex immediately complied and did so.

27. Then Defendant Wright told Alex to place his hands behind his back and, when Alex attempted to do so, Defendant Wright threw Alex to the ground, hit him in the neck at least once if not twice, put his knee on the back of Alex’s neck, and held him down with his knee on Alex’s neck, partially blocking his airway.

28. Kevin ran upstairs to grab his phone to record the incident.

29. Sonia, Alex’s mother, became upset, and questioned why the officers were beating her son.

30. Czartorski, who was beating Alex with a flashlight, then stood up and threatened Sonia that he would shoot her with his taser if she did not “shut up.”

31. The troopers then threatened Kevin with arrest for recording them, and demanded Kevin produce his drivers' license so that they could arrest him for recording them. They also demanded that he delete the recording on his phone.

32. When Kevin was not sure how to do so. Defendant Wright took Kevin's phone and deleted the recording Kevin had just made.

33. At some point during the incident, Defendant Wright informed the Hornbacks that the Commissioner "had his back", indicating that knowledge of Defendant Wright's practice of illegality had reached the highest levels of the KSP, and KSP leadership elected to permit Defendant Wright to continue his pattern and practice of illegal excessive force and constitutional violations.

34. A lawsuit was then filed in this court involving the excessive use of force during the arrest of Alex Hornback and captioned at Case No. 3:20-CV-703.

35. On January 18, 2021, Czartorski was deposed in the *Hornback* matter, and on January 22, 2021, Defendant Wright was deposed in the *Hornback* matter, with each giving intentionally false testimony in their depositions, testifying that they used no force whatsoever in effecting the arrest of Alex Hornback, and that they did not need to use any force, and that they did not strike Alex Hornback with anything, where both of them knew that this was materially false testimony.

36. In August 2022, Judge Jennings of this Court observed that "Not only does Plaintiffs' expert note inaccuracies in Wright and Czartorski's testimony, but their testimony contradicts the Basement Video." *Hornabck v. Czartorski*, 2022 U.S. Dist. LEXUS 137779 (WDKY 2022).

37. In response to these judicial findings, which included the fact that these offices' false testimony under oath and violation of clearly established rights by Defendant Wright for excessive force, Farris, Riley, Smith, Johnson, Rogers, White and Burnett, each were aware of the occurrence in the Hornback basement, aware of the occurrence on the street where Defendant Wright stated that the Commissioner had his back, and aware of the perjury of Defendant Wright, and each, with deliberate indifference, elected to take no meaningful action against Defendant Wright's perjury, or for the prior incidents of excessive force involving Defendant Wright.

38. Shockingly, after the Halcomb, Davis, and Hornback incidents in 2020, and with knowledge that Wright had perjured himself about his involvement with gratuitous excessive force in the *Hornback* lawsuit, Defendants Farris, Riley, Johnson, Rogers, White and Burnett, each signed off on an award of Cameron Wright as Post 4 Trooper of the Year, which was finalized and awarded in September, 2021.¹ Defendant Burnett, Jr. spoke during the ceremony thanking Wright for going beyond their regular job duties to "protect and serve" the citizens of the Commonwealth, apparently "protecting and serving" one incident of excessive force, and severe misconduct to include perjury, after another. And Wright was disgustingly lauded by then-post Commander, with knowledge of the foregoing, as "highlight[ing] what every officer should strive to be."

39. The acceptance and approval of Wright's misconduct runs to the top of the Kentucky State Police, and, as Wright accurately observed to the Hornbacks at the time, the Commissioner and entire chain of command in fact had his back, and that stance has continued to the present.

¹ Available at: <https://www.kentuckystatepolice.ky.gov/news/p4-9-30-2021> (last accessed 3/5/2025).

40. Thus, Defendants Farris, Riley, Smith, Johnson, Rogers, White and Burnett, “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of “including the ongoing pattern and practice of Defendant Wright complained of herein, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell c. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012).

The John Millett, III Incident

41. On or about March 12, 2024, Defendant Wright, then on duty and in uniform with the Kentucky State Police, and in a marked cruiser, encountered Mr. Millett’s vehicle in or near the West Point, Kentucky city limits.

42. During the stop, Defendant Wright asked Mr. Millett to step out of his vehicle to talk to him.

43. Shortly thereafter, Defendant Wright opened Mr. Millett’s driver’s side door, and he began to step out.

44. As Mr. Millett was stepping out of his vehicle, Defendant Wright yells for him not to reach for anything as Millett gently tossed an object that he had in his hands on the passenger seat. Mr. Millett is clearly seen raising his hands, and he has his cell phone in his left hand.

45. Defendant Wright immediately grabbed Mr. Millett’s right arm.

46. Defendant Wright again told Mr. Millett to step out, even though he had already been doing so, with Defendant Wright having grabbed Mr. Millett who had his cell phone in his left hand. During this time, Millett’s hands remained raised to demonstrate compliance.

47. Even thought Mr. Millett did not resist Defendant Wright in any way, Defendant Wright threw Mr. Millett to the ground. This unwarranted escalation is also depicted in Defendant Wright's dash camera.

48. Defendant Wright demands that Millett place his hands behind his back, which he immediately did. Defendant Wright then yelled for Mr. Millett to get on his belly and within a second, he deployed a taser and then for no reason, he deployed a second time.

49. Defendant Wright continued taser deployment for approximately ten seconds.

50. After Defendant Wright ceases taser deployment, and Mr. Millett's twitching and involuntary muscle spasms from the taser deployment ceased, he was able to flip to his stomach with his hands behind his back. Mr. Millett was then easily handcuffed and pulled to his feet.

51. Immediately thereafter, and for no apparent reason Defendant Wright gratuitously threw Mr. Millett to the ground, injuring him. Mr. Millett screamed out due to severe shoulder pain.

52. Defendants Farris, Riley, Smith, Johnson, Rogers, White and Burnett then reviewed the use of force by Defendant Wright and, continuing their pattern of deliberate indifference towards ongoing constitutional violations, deliberately decided not to take meaningful corrective action despite what was clearly depicted on Defendant Wright's body worn camera.

53. Upon information and belief, either Defendant Farris or Riley was present at the scene and was present in relation to the follow-up on use of force investigation and covered it up.

54. Further, Defendants Smith, Johnson, Rogers, White and Burnett were each aware of the situation and use of force against Mr. Millett, as well as the pattern of misconduct with respect to Defendant Wright, but elected to take no meaningful action against Defendant Wright

which allowed him to continue his course of excessive conduct on the public including but not limited to the Plaintiff herein.

June 19, 2024, Incident Involving Plaintiff

55. On June 19, 2024, Plaintiff was a 35-year-old and worked construction for All Around Aluminum. At the time of the stop, Plaintiff and his co-worker were on the clock and headed toward a job site. Plaintiff was in the passenger seat, wearing his seatbelt and minding his own business. The interaction that the Plaintiff had with Trooper Wright was recorded on Trooper Wright's body camera system.

56. Trooper Wright's justification for the stop was that Plaintiff's co-worker, Arturo Cordova, who was driving Plaintiff to the jobsite, was not wearing his seatbelt.

57. During the stop, Trooper Wright became more interested in Plaintiff than he did the driver of the vehicle. Trooper Wright thought he recognized the Plaintiff from a previous encounter.

58. After pulling the driver out of the vehicle to talk, Trooper Wright, after much prompting, convinced the driver to say that perhaps there could be a roach in his vehicle because he used to smoke weed in the car months prior. The driver made it clear that he was on probation, he no longer smoked marijuana or engaged in wrongdoing. He told Trooper Wright that he simply did not have anything to hide.

59. Trooper Wright used the manufactured possibility that there might be a roach in the car to create a "reason" to get the Plaintiff out of the vehicle and conduct a search of the vehicle.

60. Trooper Wright then went immediately to the passenger side of the car and ordered the Plaintiff out of the car because he claimed to have probable cause to search. When Plaintiff asked why he needed to get out, Trooper Wright stated because there is a roach in the car, which did not appear to be true.

61. As Plaintiff was complying with the directive to exit the vehicle and while he was actually taking off his seatbelt in order to get out, Trooper Wright inexplicably threatened Plaintiff that he will take him by force and charge him with crimes if he does not exit.

62. After Plaintiff got out of the car, he attempted to record the encounter with his phone. Because he was then immediately ordered to put his hands behind his back, he complied with Trooper Wright's order and put his hands behind his back with his phone and cigarettes in them.

63. Even though Plaintiff gave up his hands and put them behind his back as directed, rather than take control of Plaintiff's wrists and place him in handcuffs, Trooper Wright instead chose to throw him to the ground for no other reason than "to teach him a lesson" because Plaintiff said he wanted to videotape the encounter, not to mention the fact that he had engaged in that behavior many times prior without any repercussion whatsoever.

64. After throwing Plaintiff to the ground, Trooper Wright told Plaintiff that he was under arrest. Plaintiff's response at the time was to simply ask, "For what?"

65. Apparently, asking why he was being arrested set Trooper Wright off. Over the course of the next several minutes, Trooper Wright continuously tased the Plaintiff at least four times while shouting commands at him, knowing full well that the effect of his taser blasts incapacitated the Plaintiff disabling his ability to make voluntary movements.

66. Trooper Wright next shouted to Plaintiff to get on the ground even though Plaintiff was already on the ground curled up in a fetal position.

67. After the initial shock with the taser, he yelled at the Plaintiff to get on his belly. Even though Plaintiff complied and got on his stomach, Trooper Wright administered more shocks

to the Plaintiff's body with his taser while yelling at him to get on the ground and that he was going to get it again.

68. The commands that Trooper Wright was yelling did not make any sense based upon what was happening in the moment. Trooper Wright just kept shocking the Plaintiff with his taser even though Plaintiff was complying with his commands.

69. Trooper Wright then began walking back and forth shouting at Plaintiff to put his hands behind his back while administering incapacitating electric shocks. Plaintiff was yelling and asking him why he was doing this to him and literally crying out and telling him that he couldn't put his hands behind his back. That did not stop Trooper Wright from administering multiple shocks knowing the result was incapacitation and the Plaintiff completely lacked the actual physical ability to move his arm in order to comply with Trooper Wright's commands.

70. To top it off, Trooper Wright went in as Plaintiff lay helpless on the ground and finished him off with a spray of mace to his face and eyes for no apparent reason other than to terrorize him.

71. Even though Trooper Wright continued shouting commands for Plaintiff to put his hands behind his back and Plaintiff kept responding that he couldn't, Trooper Wright was able to walk right up to Plaintiff lying on his stomach and handcuff him because at no time during this encounter did Plaintiff resist or fail to follow any reasonable commands given to him.

72. Trooper Wright repeatedly and gratuitously applied and continued applying force, which inflicted pain and caused injury to the Plaintiff, who posed no threat to his safety, did not attempt to flee, and offered no resistance to Trooper Wright. As a result of the encounter the Plaintiff ended up with two compression fractures to his thoracic spine.

73. Trooper Wright charged the Plaintiff with multiple crimes and included multiple false statements in the narrative of plaintiff's citation in an apparent attempt to justify the unreasonable force that he used that day. All charges that were brought against the Plaintiff arising out of this incident were dismissed on June 5, 2025.

74. Because this was not the first time that Defendant Wright has engaged in flagrant violations of citizens' rights to be free from excessive force (it is at least the fourth that we know of), and indeed, this involves a pattern and practice on the part of Defendant Wright and other Troopers to utilize excessive force and then have it covered up or ignored by KSP supervision, Plaintiff seeks declaratory and injunctive relief against Defendants Farris, Riley, Smith, Johnson, Rogers, White and Burnett, in their official capacities, on behalf of himself and others, to enjoin Defendants to institute appropriate internal investigation procedures with respect to Fourth amendment violations involving excessive force.

75. Furthermore, as a consequence and proximate and actual cause of the foregoing and the actions of Defendants, in their individual capacities, Plaintiff has suffered various damages, including, without limitation, physical injury, pain and suffering, medical expenses, injury to his reputation, incurrence of charges and expenses and other damages, such as will be proven at trial.

Defendant James Cameron Wright Indicted in Federal Court

76. On March 4, 2025, the Defendant, James Cameron Wright, was indicted along with Thomas Czartorski and Jarrod Lewis in Indictment No. 3:25-CR-30-CHB.

77. Defendant James Cameron Wright was indicted for Deprivation of Constitutional Rights Under the Color of Law for his March 5, 2020, interaction with Justin Halcomb as described above.

78. Defendant James Cameron Wright was indicted for Deprivations of Constitutional Rights Under the Color of Law for his March 12, 2024, interaction with John Millett, III as described above.

COUNT I
VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS

80. Plaintiff hereby reincorporates the preceding paragraphs of his Complaint as is fully set forth herein.

81. Plaintiff is citizen of the United States of America.

82. Plaintiff has also clearly established rights and protections under the Fourth and Fourteenth Amendments to the United States Constitution.

83. Defendants, using their offices and acting under color of state law, violated and are violating Plaintiff's Fourth Amendment Rights. Defendants thereby subjected themselves under 42 U.S.C. § 1983, to prospective injunctive relief, and to declaratory relief under 28 U.S.C. §§ 2201, *et seq.* in their official capacity, and the individual capacity Defendants subjected themselves to be liable for monetary damages sought herein.

84. Defendants, using their offices and acting under color of state law, violated and are violating Plaintiff's Fourteenth Amendment Rights, which have deprived, are depriving, and will deprive Plaintiff of his rights to equal protection and due process, which rights are clearly established. Defendants thereby subjected themselves under 42 U.S.C. § 1983, to prospective injunctive relief, and to declaratory relief under U.S.C. §§ 2201, *et seq.*, and the individual capacity Defendants subjected themselves to be liable for monetary damages sought herein.

85. Defendants abused the authority of their offices and, while acting under color of law and with knowledge of the Plaintiff's clearly established rights, used their offices to violate Plaintiff's Fourth and Fourteenth Amendment Rights.

86. As for Defendant Wright, specifically and without limitation to other authority, the Sixth Circuit has “held that ‘the right to be free from physical force when one is not resisting the police is a clearly established right.’” *Goodwin v. City of Painesville*, 781 F.3d 314, 328 (6th Cir. 2015) (quoting *Wysong v. City of Heath*, 260 F. App’x 848,856 (6th Cir. 2008)). Moreover, courts in the Sixth Circuit have repeatedly held that the use of additional force on a suspect after he has been neutralized is unreasonable. *See, e.g., Baker v. City of Hamilton*, 471 F.3d 601, 607 (6th Cir. 2006); *Shreve v. Jessamine County Fiscal Court*, 453 F.3d 681, 687 (6th Cir. 2006); *Champion v. Outlook Nashville, Inc.*, 380 F.3d 893, 902 (6th Cir. 2004) (citing cases); *see also Phelps v. Coy*, 286 F.3d 295, 301 (6th Cir. 2002) (“[T]here was simply no governmental interest in continuing to beat [plaintiff] after he had been neutralized, nor could a reasonable officer have thought there was”). Citizens who no longer pose a safety risk to officers during an arrest have a right to be free from “gratuitous violence.” *Shreve*, 453 F.3d 688; *see also McDowell v. Rogers*, 863 F.2d 1302, 1307 (6th Cir. 199) (“[O]ur court has repeatedly found that a totally gratuitous blow with a policeman’s nightstick may cross the constitutional line.”) Furthermore, to the extent that a suspect merely fails to comply with a command, this is known as passive resistance under clearly established Sixth Circuit case law and does not justify the use of force. *Goodwin*, 781 F.3d 314, 328, 323-324; *Eldridge v. City of Warren*, 553 F. App’x 529, 534-35 (6th Cir. 2103); *Shreve*, 453 F.3d at 687.

87. As for Defendants Farris, Riley, Smith, Johnson, Rogers, White and Burnett, each was aware of the excessive force incidents in the Halcomb. Davis, Hornback and Millett, III, incidents, was aware of the Court’s findings in *Czartorski*, 2022 U.S. Dist. LEXUS 137779, involving Defendant Wright’s excessive force and perjury in that case, and elected and made deliberate choice to do nothing about it, and in fact gave Wright an award of Post 4 Trooper of the

Year, following and with knowledge of the pattern of misconduct, leaving Defendant Wright free to continue his pattern and practice of ongoing constitutional violations. Moreover, each elected not to take meaningful corrective action following the various incidents with Plaintiff. Each thus “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth clearly established law set forth in *Campbell v. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012).

88. Plaintiff further seeks declaratory and injunctive relief against Defendant Wright: (a) declaring that Defendant Wright violated his constitutional rights as set forth in this Complaint; and (b) enjoining future violations of Plaintiff’s rights or the rights of others by Defendants.

89. Plaintiff further seeks his costs and reasonable attorney fees under U.S.C. § 1988.

90. As against Defendants, Plaintiff further states that they were the actors responsible for the constitutional violations complained of as for Defendant Wright, or for the supervisors/commanders (Farris, Riley, Smith, Johnson, Rogers, White and Burnett), each “implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of” Defendant Wright, and thus the incident with Plaintiff was casually connected to this deliberate indifference, as set forth in clearly established law set forth in *Campbell c. City of Springboro, Ohio*, 700 F.3d 779, 789-790 (6th Cir. 2012). As such, Plaintiff seeks damages in an amount to be determined at trial under 42 U.S.C. § 1983, for violations of his clearly established constitutional rights as set forth herein. The measure of the damages shall be proven at trial, exclusive of interest and costs.

91. Plaintiff further seeks punitive damages against Defendants Wright, Farris, Riley, Smith, Johnson, Rogers, White and Burnett, in their individual capacities, since the actions

complained of were motivated by evil motive or intent, and/or when it involves reckless or callous indifference to the federally protected rights of Plaintiff. Plaintiff demands judgment on these punitive damages against Defendants, in their individual capacities, in an amount to be determined at trial, exclusive of interest and costs.

PRAYER FOR RELIEF

WHREREFORE, Plaintiff demands judgment against Defendants as prayed for, including:

- A. That this Court issue a declaration that the practices complained of herein, by Defendants were and are unconstitutional;
- B. That this Court issue an injunction enjoining further unconstitutional actions by Defendants in their official capacities;
- C. The Plaintiff be awarded money damages, including compensatory and punitive damages as to Defendants in their individual capacities, in an amount to be proven at trial, exclusive of interest and costs;
- D. That trial by jury be had on all issues so triable;
- E. That Plaintiff be awarded his costs in this action, including reasonable attorney fees under 42 U.S.C. § 1988; and
- F. Such other relief as this Court shall deem just and proper.

Respectfully submitted,

/s/ Garry R. Adams
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