

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

KEVIN DANLEY,)	
)	
Plaintiff)	
)	
v.)	CASE NO.
)	
RUBY ALLEN; JACKIE RIKARD;)	
and RONNIE WILLIS;)	
)	
Defendants.)	

COMPLAINT

Plaintiff Kevin Danley complains of defendants, stating as follows:

Parties

1. Plaintiff Kevin Danley is of legal age and a citizen and resident of the state of Alabama.
2. Defendant Ruby Allen was employed as a jailer at the Lauderdale County Detention Center at all times relevant to the allegations in this complaint. She is sued in her individual capacity.
3. Defendant Jackie Rikard was employed as the administrator of the Lauderdale County Detention Center at all times relevant to the allegations in this complaint and is a resident and citizen of the state of Alabama. She is sued in her individual capacity.
4. Defendant Ronnie Willis was the Lauderdale County Sheriff at all

times relevant to the allegations in this complaint and is a resident and citizen of the state of Alabama. He is sued in his individual capacity.

Facts

5. On or about July 11, 2004, plaintiff was in custody at the Lauderdale County Detention Center.

6. The larger jail cell in which plaintiff was initially kept did not have a toilet. Plaintiff requested multiple times to be able to use a toilet. Eventually, plaintiff was taken out of the cell in which he was located, which only had a urinal, and taken to a smaller cell that had a toilet in the corner.

7. The toilet available to plaintiff was not clean, and there was no toilet paper. Plaintiff complained but was never given any toilet paper. He went to the bathroom and then came out of the cell.

8. Plaintiff was upset because of how he was being treated, in particular the refusal of toilet paper, and cursed.

9. Defendant Allen told plaintiff, among other things, to shut up, to watch his mouth, and to get back in the cell. In response, plaintiff told defendant Allen that he was done. Defendant Allen told plaintiff to go back in the cell or she was going to spray him. Plaintiff asked defendant Allen why she was “fucking” with him and what “spray me” meant.

10. Instead of answering plaintiff's questions, defendant Allen told one of the two jailers present to spray plaintiff.

11. The jailer sprayed plaintiff for approximately 3-5 seconds. As plaintiff was screaming and crying, the two jailers pushed plaintiff back into the smaller cell and closed the door.

12. Plaintiff was having trouble breathing and was hyperventilating. Plaintiff was screaming and crying that he could not breathe and was begging to be let out to breathe. In response, defendant Allen and the two jailers laughed at plaintiff and made fun of him.

13. Defendant Allen and the two other jailers left plaintiff in the small, poorly ventilated cell for approximately 20 minutes.

14. Plaintiff was sprayed without sufficient justification (as plaintiff presented no threat), was sprayed excessively, and was denied prompt medical attention.

15. After approximately 20 minutes, plaintiff was allowed to briefly shower but was not able to sufficiently clean up. After the brief shower, plaintiff was returned to the larger cell. Within approximately 30 minutes, plaintiff's cellmates were complaining that they were burning from what was on plaintiff.

16. Plaintiff had trouble breathing and complained of trouble breathing throughout the remainder of his time in jail. Plaintiff would lay on the floor and

try to breathe through the crack under the door.

17. Plaintiff requested medical treatment but was denied medical treatment.

18. Approximately an hour before he was released, over twelve hours after plaintiff was sprayed, plaintiff almost blacked out. After this, a jailer took plaintiff to another cell that was better ventilated.

19. The next day, plaintiff was treated by a physician for chemical conjunctivitis in his eye and irritant-induced bronchospasm in his lungs. The physician prescribed plaintiff appropriate medication.

20. After the incident, plaintiff personally complained to defendants Rikard and Willis, who, after reviewing the circumstances, ratified and approved of the above-described excessive force.

Count I - 42 U.S.C. § 1983 - Excessive Force

21. On or about July 11, 2004, defendant Allen, who was acting under color of law within the meaning prescribed by 42 U.S.C. § 1983, caused excessive force to be used on plaintiff. Defendant Allen did thereby deprive plaintiff of his rights under the Fourth and Fourteenth Amendments to the Constitution of the United States in violation of 42 U.S.C. § 1983. Specifically, defendant Allen violated plaintiff's right to be free from excessive force

22. The use of excessive force on plaintiff was pursuant to policies and customs of defendants Rikard and Willis.

23. Prior to the use of force on plaintiff, Rikard and Willis permitted, encouraged, and ratified a pattern and practice of unjustified, unreasonable, and excessive use of force in that they:

- a. failed to discipline or prosecute or in any manner deal with known incidents of excessive force; and
- b. refused to investigate complaints of excessive force and, instead, officially claimed such incidents were justified and proper.

24. The foregoing acts, omissions, and systemic failures and deficiencies are policies and customs of Rikard and Willis and caused the jailers under their supervision to believe that excessive force was permissible and that complaints of excessive force would not be honestly or properly investigated, with the foreseeable result that jailers would use excessive force on plaintiff and other similarly-situated citizens.

25. Intentionally or with deliberate indifference, defendants Rikard and Willis permitted, encouraged, and ratified a pattern and practice of unjustified, unreasonable, and excessive use of force at the jail.

26. As a result of the conduct of defendants, plaintiff has been caused to suffer physical and emotional injuries and damages, embarrassment, and

humiliation and has been caused to incur medical bills and other expenses.

Other Matters

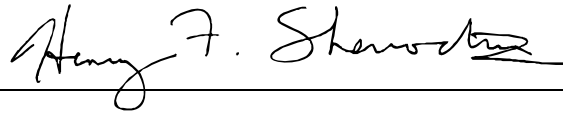
27. All conditions precedent to the bringing of this suit have occurred.

Relief Sought

28. As relief, plaintiff seeks the following:

- a. That he be awarded such compensatory damages as a jury shall determine from the evidence he is entitled to recover;
- b. That he be awarded against the individual defendants only such punitive damages as a jury shall determine from the evidence he is entitled to recover;
- c. That he be awarded prejudgment and postjudgment interest at the highest rates allowed by law;
- d. That he be awarded the costs of this action, his reasonable attorney's fees, and his reasonable expert witness fees;
- e. That he be awarded such other and further relief to which he is justly entitled.

Respectfully submitted,

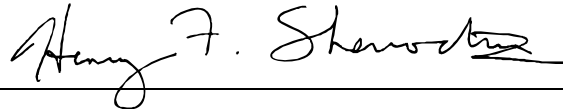


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Plaintiff requests a trial by jury.



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