

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

LARRY GRAY, RONALD V. ARTIS,)
and ALONZO PATTERSON,)
)
Plaintiffs,)

vs.)

BILL FERRELL, Sheriff of Scott)
County, Missouri, and LOUIS)
HIRSCHOWITZ, ELDON ZIEGENHORN,)
and DEWAINA SHAFFER, Judges of)
the County Court of Scott)
County, Missouri,)
Defendants.)

Case No. S81-0018C

FILED

JUN 2 1981

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

FIRST AMENDED COMPLAINT

COUNT I

Comes now plaintiff, Larry Gray, by and through his attorney,
Francis J. Siebert, and for his cause of action against the defendants
states and alleges as follows:

1. Plaintiffs are and were at all times herein material citizens
of the United States of America and were at all times herein material
prisoners in the Scott County Jail in Benton, Scott County, Missouri.

2. That defendant Bill Ferrell is now, and at all times herein
material was, a resident of Scott County, Missouri, and the duly elected,
qualified and acting Sheriff of Scott County, Missouri.

3. That defendants, Louis Hirschowitz, Eldon Ziegenhorn and Dewaine
Shaffer are residents of Scott County, Missouri and the duly elected,
qualified and acting Judges of the Scott County Court.

4. This action arises under the United States Constitution, parti-
cularly under the provisions of the Eighth and Fourteenth Amendments to
the Constitution of the United States, and under Federal Law, particularly
the Civil Rights Act, Title 42 of the United States Code, Sec. 1983.

5. That this Court has jurisdiction of this cause under and by
virtue of Title 28 of the United States Code, Section 1343.

6. Each and all of the acts of the defendants alleged herein were
done by the defendants, and each of them, not as individuals, but under

the color and pretense of the statutes, ordinances, regulations, customs, and usages of the County of Scott, State of Missouri, and under the authority of their offices as Sheriff and County Judges.

7. That plaintiff Larry Gray was confined in the Scott County Jail for a period of 92 days, from the 12th day of December, 1980 to the 30th day of March, 1981.

8. That the conduct of the defendants violated plaintiff Larry Gray's right to privacy as guaranteed by the Fourth Amendment of the United States Constitution, subjected said plaintiff to cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, and denied said plaintiff Due Process of Law in violation of the Fourteenth Amendment to the United States Constitution in the following respects:

- (a) While plaintiff Larry Gray was confined in the Scott County Jail his incoming and outgoing personal mail was read by the deputies of the Scott County Sheriff's Department and thereafter the private contents of said letters were openly discussed between the deputies of the Scott County Sheriff's Department and other inmates in the Scott County Jail.
- (b) Meals served to the plaintiff Larry Gray while a prisoner in the Scott County Jail were inadequate in quality and quantity and far below the average daily requirement for sedentary men. In addition when meat was served to said plaintiff, it was often spoiled.
- (c) Plaintiff Larry Gray was provided with totally inadequate hygiene facilities in that he was allowed to shower only once a week, required to sleep on mattresses which were filthy and crawling with lice and other vermin and was required to wear his clothing for an excessively lengthy period of time without the opportunity to have his clothing washed or laundered.
- (d) Plaintiff Larry Gray while confined to the Scott County Jail was required to clean the jail's commodes with his hands because the defendants failed to provide the prisoners with a toilet brush or other toilet cleaning devices.
- (e) While plaintiff Larry Gray was confined to the Scott County Jail his visiting by his family and friends was limited to five minutes a week and no private visiting facilities were provided for his family.
- (f) Plaintiff Larry Gray, while confined in the Scott County Jail, required prompt dental attention and requested the same, but was denied the services of a dentist by the defendants and as a result thereof said plaintiff was caused to suffer excruciating pain.
- (g) Plaintiff Larry Gray while a prisoner in the Scott County Jail was provided with insufficient facilities for exercise and recreation to meet his human needs. In particular, although there was at all times herein material an open, but secured, yard attached to the jail building, which

would allow prisoners of the jail to exercise and get fresh air, plaintiff Larry Gray was denied access to the yard during his confinement in the Scott County Jail.

9. That the aforesaid actions of the defendants, which deprived the plaintiff of his constitutional and civil rights, were wanton, willful, and malicious and therefore entitle plaintiff Larry Gray to punitive damages.

WHEREFORE, plaintiff Larry Gray prays judgment against the Scott County Sheriff, Bill Ferrell, and the Scott County Court Judges, Louis Hirschowitz, Eldon Ziegenhorn and Dewaine Shaffer, and each of them jointly and severally, in the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in actual damages and TEN THOUSAND DOLLARS (\$10,000.00) in punitive damages.

COUNT II

Comes now plaintiff Ronald V. Artis, by and through his attorney, Francis J. Siebert, and for his cause of action against the defendants states and alleges as follows:

1. Plaintiff Ronald V. Artis realleges, reavers and incorporates by reference each and every allegation contained in paragraphs numbered 1, 2, 3, 4, 5, 6 and 7 of Count I of Plaintiff's First Amended Complaint.

2. That plaintiff Ronald V. Artis was confined in the Scott County Jail for a period of 94 days, from the 29th day of December, 1980 to the 1st day of April, 1981.

3. That the conduct of the defendants violated plaintiff Ronald V. Artis's right to privacy as guaranteed by the Fourth Amendment of the United States Constitution, subjected said plaintiff to cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, and denied said plaintiff Due Process of Law in violation of the Fourteenth Amendment to the United States Constitution in the following respects:

- (a) While plaintiff Ronald V. Artis was confined in the Scott County Jail his incoming and outgoing personal mail was read by the deputies of the Scott County Sheriff's Department and thereafter the private contents of said letters were openly discussed between the deputies of the Scott County Sheriff's Department

and other inmates in the Scott County Jail.

- (b) Meals served to the plaintiff Ronald V. Artis while a prisoner in the Scott County Jail were inadequate in quality and quantity and far below the average daily requirement for sedentary men. In addition when meat was served to said plaintiff, it was often spoiled.
- (c) Plaintiff Ronald V. Artis was provided with totally inadequate hygiene facilities in that he was allowed to shower only once a week, required to sleep on mattresses which were filthy and crawling with lice and other vermin and was required to wear his clothing for an excessively lengthy period of time without the opportunity to have his clothing washed or laundered.
- (d) While plaintiff Ronald V. Artis was confined to the Scott County Jail his visiting by his family and friends was limited to five minutes a week and no private visiting facilities were provided for his family.
- (e) Plaintiff Ronald V. Artis, while a prisoner in the Scott County Jail, was provided with insufficient facilities for exercise and recreation to meet his human needs and his access to the open, but secure, yard attached to the jail building, which would have provided him with exercise and fresh air, was unreasonably restricted.

4. That the aforesaid actions of the defendants, which deprived plaintiff Ronald V. Artis of his constitutional and civil rights, were wanton, willful, and malicious and therefore entitle plaintiff Ronald V. Artis to punitive damages.

WHEREFORE, plaintiff Ronald V. Artis prays judgment against the Scott County Sheriff, Bill Ferrell, and the Scott County Court Judges, Louis Hirschowitz, Eldon Ziegenhorn and Dewaine Shaffer, and each of them jointly and severally, in the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in actual damages and TEN THOUSAND DOLLARS (\$10,000.00) in punitive damages.

COUNT III

Comes now plaintiff Alonzo Patterson, by and through his attorney, Francis J. Siebert, and for his cause of action against the defendants states and alleges as follows:

1. Plaintiff Alonzo Patterson realleges, reavers and incorporates by reference each and every allegation contained in paragraphs 1, 2, 3, 4, 5 and 6 of Count I of Plaintiffs' First Amended Complaint.

2. That plaintiff Alonzo Patterson was confined to the Scott County Jail for a period of 239 days, said time being from the 4th day of June,

1979 to the 5th day of June, 1979, from the 23rd day of June, 1980 to the 26th day of June, 1980, and from the 1st day of July, 1980 to the 18th day of February, 1981.

3. That the conduct of the defendants violated plaintiff Alonzo Patterson's right to privacy as guaranteed by the Fourth Amendment of the United States Constitution, subjected said plaintiff to cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, and denied said plaintiff Due Process of Law in violation of the Fourteenth Amendment to the United States Constitution in the following respects:

- (a) While plaintiff Alonzo Patterson was confined in the Scott County Jail his incoming and outgoing personal mail was read by the deputies of the Scott County Sheriff's Department and thereafter the private contents of said letters were openly discussed between the deputies of the Scott County Sheriff's Department and other inmates in the Scott County Jail.
- (b) Meals served to the plaintiff Alonzo Patterson while a prisoner in the Scott County Jail were inadequate in quality and quantity and far below the average daily requirement for sedentary men. In addition when meat was served to said plaintiff, it was often spoiled.
- (c) Plaintiff Alonzo Patterson was provided with totally inadequate hygiene facilities in that he was allowed to shower only once a week, required to sleep on mattresses which were filthy and crawling with lice and other vermin and was required to wear his clothing for an excessively lengthy period of time without the opportunity to have his clothing washed or laundered.
- (d) While plaintiff Alonzo Patterson was confined to the Scott County Jail his visiting by his family and friends was limited to five minutes a week and no private visiting facilities were provided for his family.
- (e) Plaintiff Alonzo Patterson, while a prisoner in the Scott County Jail, was provided with insufficient facilities for exercise and recreation to meet his human needs and his access to the open, but secure, yard attached to the jail building, which would have provided him with exercise and fresh air, was unreasonably restricted.

4. That the aforesaid actions of the defendants, which deprived plaintiff Alonzo Patterson of his constitutional and civil rights, were wanton, willful, and malicious and therefore entitle plaintiff Alonzo Patterson to punitive damages.

WHEREFORE, plaintiff Alonzo Patterson prays judgment against the Scott County Sheriff, Bill Ferrell, and the Scott County Court Judges,

Louis Hirschowitz, Eldon Ziegenhorn and Dewaine Shaffer, and each of them jointly and severally, in the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in actual damages and TEN THOUSAND DOLLARS (\$10,000.00) in punitive damages.

Francis J. Siebert

FRANCIS J. SIEBERT
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Scott City, Missouri 63780
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ATTORNEY FOR PLAINTIFFS

PROOF OF SERVICE

The undersigned certifies that a complete copy of this instrument was mailed to the attorneys of each party to the above action, addressed to said attorneys, at their business address, on the 1st day of June, 1981.

Cornelia Workman

Gray v. Ferrell



JC-MO-013-001