

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

CHARLES A. HOLT,)	
)	
Plaintiff,)	
)	Case No.
vs)	
)	
JESSE LEWSADER, RICHARD WILSON)	
RYAN WASHBURN and CITY OF PARIS,)	
ILLINOIS, a municipal corporation,)	
)	
Defendants.)	

COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under the First and Fourth Amendments to the United States Constitution and 42 U.S.C. §§ 1983 and 1988, and the Common Law of Illinois. The Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

2. This judicial district is an appropriate venue under 28 U.S.C. § 1391(b) because the events giving rise to the suit happened in this judicial district.

PARTIES

3. Plaintiff Charles A. Holt is a citizen of the City of Paris, Edgar County, Illinois.

4. Defendant Jesse Lewsader was, at all times relevant, a police officer employed by the City of Paris, Illinois. He is sued in his individual capacity and at all times relevant hereto was acting under color of state law.

5. Defendant Richard Wilson was, at all times relevant, a police officer employed by the City of Paris, Illinois. He is sued in his individual capacity and at all times relevant hereto was acting under color of state law.

6. Defendant Ryan Washburn was, at all times relevant, a police officer employed by the City of Paris, Illinois. He is sued in his individual capacity and at all times relevant hereto was acting under color of state law.

7. The City of Paris, Illinois is a Municipal Corporation which operates a Police Department and employs police officers, including defendants herein.

FACTS COMMON TO ALL COUNTS

8. On June 22, 2017, plaintiff and his paramour had a verbal argument.

9. Plaintiff's paramour drove to the Paris Police Station and reported that she and plaintiff had an argument, he told her to leave the house and then he followed her in a white pick up truck, arguing out loud.

10. Plaintiff's driver's license was revoked at the time he was driving.

11. Plaintiff drove to the Paris Police Station parking lot, communicated with his paramour and then drove away, went home and into the house, locking the door.

12. After determining that plaintiff's driver's license was revoked, Defendant Lewsader and Defendant Washburn drove around the area, looking for the white pick up truck identified as the one plaintiff was driving.

13. About 30 minutes later, Defendants Lewsader and Washburn located the white pick up truck parked at plaintiff's home, Defendant Wilson joined them there.

14. Defendants Lewsader, Washburn and Wilson saw no one outside and approached the back door of the home.

15. Plaintiff was inside his home with the door closed and locked.

16. Defendant Lewsader requested plaintiff to open the door to talk.

17. Plaintiff refused and told defendants to leave unless they had a warrant.

18. Plaintiff retreated into his home.

19. When plaintiff turned, Defendant Washburn used his body to breach the entry door by physically breaking the locking mechanism and the door frame.

20. At that time, all three defendants forcefully pushed their way into plaintiff's house despite his verbal refusal to allow them entry and his refusal to physically open the door.

21. The defendants had no search warrant for the premises and no arrest warrant for the plaintiff and plaintiff had refused to consent to an entry into his home.

22. Defendant Washburn discharged his Taser, which sent the prongs into Plaintiff's back and then repeatedly discharged additional cycles of electricity into Plaintiff's body, with his Taser.

23. Although Defendant Wilson was aware that Defendant Washburn was repeatedly tasing Plaintiff, he did nothing to intervene and stop that use of force.

24. Although Defendant Lewsader was aware that Defendant Washburn was repeatedly tasing Plaintiff, he did nothing to intervene and stop that use of force.

25. At said date and time, in retaliation for plaintiff's exercise of his rights of privacy and free speech, the defendants attacked plaintiff, threw plaintiff to the floor, handcuffed plaintiff and yanked plaintiff off the floor while in handcuffs, all of which caused great physical pain, mental distress and injury to the plaintiff.

26. On said date defendants arrested plaintiff for Resisting Arrest (within his

home), Disorderly Conduct (by alarming his paramour as he followed her car) and Driving on a Revoked License, searched his person and transported him to the Edgar County Jail, where he was booked and had to post bond to be released.

27. On July 10, 2017, plaintiff was arraigned on the misdemeanor charges in Edgar County 17-CM-100 and 17-TR-667, to which plaintiff pled not guilty.

28. Plaintiff hired private counsel and expended money and was required by the court to be absent from work regularly to appear in court as ordered.

29. On January 26, 2018, Plaintiff pled guilty to Driving on a Revoked License and Disorderly Conduct; the Resisting Arrest charge was nolle prossed by the state.

COUNT I – 42 U.S.C. § 1983 – DEFENDANT RYAN WASHBURN

30. Plaintiff Incorporates by reference paragraphs 1-29 as if fully set forth herein.

31. As a result of his unlawful, malicious, reckless and/or indifferent conduct, Defendant Ryan Washburn acted under color of law but contrary to law, and did deprive Plaintiff of his rights, privileges or immunities secured under the Constitution and laws of the United States and 42 USC § 1983, including:

- a. His right to be free from unreasonable entries of his home in which he has a right to privacy, in violation of Amendment IV;
- b. His right to be free from unreasonable seizures of his person, by arresting Plaintiff within his home for minor misdemeanors, without consent and without a warrant, in violation of Amendment IV;
- c. His right to freedom of speech, by retaliating against Plaintiff by repeatedly discharging a Taser into Plaintiff's body and arresting Plaintiff, in whole or in

part because Plaintiff verbally protested against Defendant Ryan Washburn's illegal entry into his home, in violation of Amendment I;

d. His right to be free from unreasonable force, by repeatedly discharging a Taser into Plaintiff's body when no use of force was necessary or called for in the situation, in violation of Amendment IV;

e. His right to be free from unreasonable force, when he attacked plaintiff, threw plaintiff to the floor, handcuffed plaintiff and yanked plaintiff off the floor while in handcuffs, causing pain and suffering, in violation of Amendment IV.

WHEREFORE, Plaintiff demands judgment against Defendant Ryan Washburn for compensatory damages and for punitive damages in amounts to be determined by the jury, plus costs, pre-judgment and post-judgment interest, and actual attorney fees pursuant to 42 USC §1988.

COUNT II – 42 U.S.C. § 1983 – DEFENDANT JESSE LEWSADER

32. Plaintiff Incorporates by reference paragraphs 1-29 as if fully set forth herein.

33. As a result of his unlawful, malicious, reckless and/or indifferent conduct, Defendant Jesse Lewsader acted under color of law but contrary to law, and did deprive Plaintiff of his rights, privileges or immunities secured under the Constitution and laws of the United States and 42 USC § 1983, including:

a. His right to be free from unreasonable entries of his home in which he has a right to privacy, in violation of Amendment IV;

b. His right to be free from unreasonable seizures of his person, by arresting Plaintiff within his home for minor misdemeanors, without consent and without a

warrant, in violation of Amendment IV;

c. His right to freedom of speech, by retaliating against Plaintiff by arresting Plaintiff, in whole or in part because Plaintiff verbally protested against Defendant Jesse Lewsader's illegal entry into his home, in violation of Amendment I;

d. His right to be free from unreasonable force, by failing to intervene in Defendant Washburn's repeatedly discharging a Taser into Plaintiff's body when no use of force was necessary or called for in the situation, in violation of Amendment IV;

e. His right to be free from unreasonable force, when he attacked plaintiff, threw plaintiff to the floor, handcuffed plaintiff and yanked plaintiff off the floor while in handcuffs, causing pain and suffering, in violation of Amendment IV.

WHEREFORE, Plaintiff demands judgment against Defendant Jesse Lewsader for compensatory damages and for punitive damages in amounts to be determined by the jury, plus costs, pre-judgment and post-judgment interest, and actual attorney fees pursuant to 42 USC §1988.

COUNT III – 42 U.S.C. § 1983 – DEFENDANT RICHARD WILSON

34. Plaintiff Incorporates by reference paragraphs 1-29 as if fully set forth herein.

35. As a result of his unlawful, malicious, reckless and/or indifferent conduct, Defendant Richard Wilson acted under color of law but contrary to law, and did deprive Plaintiff of his rights, privileges or immunities secured under the Constitution and laws of the United States and 42 USC § 1983, including:

a. His right to be free from unreasonable entries of his home in which he has a right to privacy, in violation of Amendment IV;

b. His right to be free from unreasonable seizures of his person, by arresting Plaintiff within his home for minor misdemeanors, without consent and without a warrant, in violation of Amendment IV;

c. His right to freedom of speech, by retaliating against Plaintiff by arresting Plaintiff, in whole or in part because Plaintiff verbally protested against Defendant Richard Wilson's illegal entry into his home, in violation of Amendment I;

d. His right to be free from unreasonable force, by failing to intervene in Defendant Washburn's repeatedly discharging a Taser into Plaintiff's body when no use of force was necessary or called for in the situation, in violation of Amendment IV;

e. His right to be free from unreasonable force, when he attacked plaintiff, threw plaintiff to the floor, handcuffed plaintiff and yanked plaintiff off the floor while in handcuffs, causing pain and suffering, in violation of Amendment IV.

WHEREFORE, Plaintiff demands judgment against Defendant Richard Wilson for compensatory damages and for punitive damages in amounts to be determined by the jury, plus costs, pre-judgment and post-judgment interest, and actual attorney fees pursuant to 42 USC §1988.

**COUNT IV –STATE LAW CLAIMS – DEFENDANTS JESSE LEWSADER,
RICHARD WILSON AND RYAN WASHBURN**

36. Plaintiff Incorporates by reference paragraphs 1-29 as if fully set forth herein.

37. Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn had a duty to exercise ordinary care for the person of the plaintiff, in the exercise of their official duties.

38. Notwithstanding their aforesaid duty, Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn willfully and wantonly engaged in a course of conduct and action with an actual or deliberate intention to cause harm to, or, if not intentional, with an utter indifference to or conscious disregard for the safety of the person of the Plaintiff, in violation of Illinois law, thereby proximately causing, in whole or in part, severe mental and emotional distress and injury and pecuniary damages.

39. By the actions described herein, Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn willfully and wantonly committed the following wrongful acts against the Plaintiff, which are tortious under the laws of the State of Illinois:

a. Assault by breaking the door and entering plaintiff's home in a threatening and frightening manner and threatening Plaintiff with Battery, thereby placing Plaintiff in reasonable apprehension of receiving a battery;

b. Battery by attacking, handcuffing and searching Plaintiff to effect an arrest made in violation of the Fourth Amendment to the US Constitution, which was a harmful or offensive un-consented touching of Plaintiff's person;

c. Trespass by entering and remaining within Plaintiff's home without a warrant and without consent, and after being told not to come in;

d. Intentional Infliction of Emotional Distress by breaking into Plaintiff's home with force, attacking Plaintiff's person and using a Taser against Plaintiff, which was objectively extreme and outrageous and which was rooted in an abuse of power and authority and done with the deliberate intention of causing the Plaintiff severe emotional distress or in reckless disregard of the probability that this conduct would cause severe emotional distress, which did cause the Plaintiff severe emotional distress

and which was undertaken with malice, willfulness and deliberate indifference to Plaintiff's rights, such that the Defendants' actions shock the conscience.

WHEREFORE, Plaintiff demands judgment against Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn for compensatory damages and for punitive damages in amounts to be determined by the jury, plus costs, attorney's fees, pre-judgment and post-judgment interest.

COUNT V – RESPONDEAT SUPERIOR - DEFENDANT CITY OF PARIS, ILLINOIS

40. Plaintiff Incorporates by reference paragraphs 1-29 as if fully set forth herein.

41. While committing the misconduct alleged in Count IV, Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn were employees and agents of Defendant City of Paris, Illinois, acting at all relevant times within the scope of their employment.

42. Defendant City of Paris, Illinois, is liable as principal for all state law torts committed by its agents, including Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn.

WHEREFORE, Plaintiff demands judgment against Defendant City of Paris, Illinois for compensatory damages in an amount to be determined by the jury, plus costs, pre-judgment and post-judgment interest.

COUNT VI - FAILURE TO TRAIN AND SUPERVISE - DEFENDANT CITY OF PARIS, ILLINOIS

43. Incorporating paragraphs 1-29, defendant City of Paris, Illinois was aware of the need for appropriate policies and procedures to monitor and discipline its police officers to prevent illegal and unconstitutional behaviors by police officers against citizens of the City of Paris, Illinois. Notwithstanding this duty, the City of Paris, Illinois failed to develop and implement adequate policies and procedures, which enabled Paris police officers, including Defendants Jesse Lewsader, Richard Wilson and Ryan Washburn, to engage in conduct that violates the constitutional rights of law abiding citizens, including plaintiff, without fear of reprimand, discipline or criminal prosecution, creating an atmosphere where such unconstitutional behavior is ratified, tolerated, acquiesced or condoned, in reckless disregard and deliberate indifference to the welfare of the public, including plaintiff, thereby proximately causing, in whole or in part, damage to his person, mental and emotional distress and monetary damages and depriving plaintiff of his rights under the First and Fourth Amendments to the United States Constitution in violation of 42 U.S.C. §1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

On all Counts

- (a) Compensatory general and special damages in accordance with proof;
- (b) Costs of suit necessarily incurred herein;
- (c) Such further relief as the Court deems just or proper;
- (d) Reasonable Attorney's Fees and expenses of litigation if and as allowed by

state or federal statute on each Count as so allowed; and

(e) Punitive damages against the individual defendants, as allowed under the law, (except the immune entity defendant) in an amount sufficient to punish those defendants and to deter future misconduct of these defendants and other similarly situated police officers.

**PLAINTIFF DEMANDS TRIAL BY JURY
RESPECTFULLY SUBMITTED,
CHARLES A. HOLT**

/s/ JUDE MARIE REDWOOD

June 21, 2018

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