

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CEDRIC M. WRIGHT,

Plaintiff,

v.

FRANCIS SLAY, et al.,

Defendants.

Case No. 12-CV-107

**FIRST AMENDED CLASS ACTION COMPLAINT  
FOR DECLARATORY JUDGMENT AND DAMAGES**

Plaintiff Cedric Wright for his First Amended Class Action Complaint against Defendants, states as follows:

**INTRODUCTION**

1. This is a class action complaint for injunctive relief and money damages by Plaintiff, individually and as class representative, arising under 42 U.S.C. §§ 1983 and 1988, and supplemental state law claims actionable under Missouri law. Plaintiff seeks redress for deprivation of his rights, privileges and immunities, and the rights, privileges and immunities of those similarly situated, secured by the Fourth and Fourteenth Amendments to the United States Constitution.

**PARTIES**

2. Plaintiff is a citizen of the United States of America and a resident of the State of Missouri.

3. The St. Louis Metropolitan Board of Police Commissioners is a governmental unit within the State of Missouri and is a corporate body and is authorized to be sued in its corporate name through its individual members. Defendants Francis Slay, Thomas Irwin, Bettye Battle-Turner, and Richard H. Gray (collectively referred to hereinafter as "Defendant Board") comprise the entire Board of Police Commissioners of the City of St. Louis. The individual board members have legal responsibility and policymaking authority for the St. Louis Metropolitan Police Department (hereinafter "Metropolitan Police Department") and are named in their official capacity solely to maintain this action against the St. Louis Board of Police Commissioners for the claims alleged herein.

4. The St. Louis Metropolitan Board of Police Commissioners is the governing body and employer for the Metropolitan Police Department, including the individually named police officers, and is responsible for the training and supervision of Defendant Daniel Isom (hereinafter "Defendant Isom"), Defendant Gerald Leyshock (hereinafter "Defendant Leyshock"), Defendant Andrew Wismar (hereinafter "Defendant Wismar"), Defendant John Doe, Defendant James Doe, and Defendant Joseph Doe.

5. Defendant Daniel Isom, is and was at all times relevant to the incidents described in this Complaint, the Chief of Police for the Metropolitan Police Department and was the highest ranking police officer in the City of St. Louis, charged with administering the police force, including training, supervising, disciplining, and dismissing individual police officers, including Defendants Leyshock, Andrew Wismar, John Doe, James Doe, and Joseph Doe, as well as deciding which tasks police officers should perform. Defendant Isom is sued in his official capacity as Chief of Police for the Metropolitan Police Department.

6. Defendant Leyshock, is and was at all times relevant to the incidents described in this Complaint, the Captain and Commander of the Third District for the Metropolitan Police Department, charged with training, supervising, disciplining, and dismissing individual police officers, including Defendant Andrew Wismar (hereinafter “Defendant Wismar”), Defendant John Doe, and Defendant James Doe, as well as deciding which tasks police officers should perform. Defendant Leyshock is sued in his official capacity as Chief of Police for the Metropolitan Police Department.

7. Defendant Andrew Wismar, the arresting police officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Metropolitan Police Department, acting in such capacity as an agent and servant of the Metropolitan Police Department, acting under the control of Defendant Board, Defendant Isom, and Defendant Leyshock, and acting pursuant to an official policy, custom, and/or practice of the Metropolitan Police Department. Defendant Andrew Wismar is sued in his official capacity as a police officer for the Metropolitan Police Department, and also in his individual capacity.

8. Defendant John Doe, an arresting police officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Metropolitan Police Department, acting in such capacity as an agent and servant of the Metropolitan Police Department, acting under the control of Defendant Board, Defendant Isom, and Defendant Leyshock, and acting pursuant to an official policy, custom, and/or practice of the Metropolitan Police Department. Defendant John Doe is sued in his official capacity as a police officer for the Metropolitan Police Department, and also in his individual capacity.

9. Defendant James Doe, a booking police officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Metropolitan Police Department, acting in such capacity as an agent and servant of the Metropolitan Police Department, acting under the control of Defendant Board, Defendant Isom, and Defendant Leyshock, and acting pursuant to an official policy, custom, and/or practice of the Metropolitan Police Department. Defendant James Doe is sued in his official capacity as a police officer for the Metropolitan Police Department, and also in his individual capacity.

10. Defendant Joseph Doe, a booking police officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Metropolitan Police Department, acting in such capacity as an agent and servant of the Metropolitan Police Department, acting under the control of Defendant Board and Defendant Isom, and acting pursuant to an official policy, custom, and/or practice of the Metropolitan Police Department. Defendant Joseph Doe is sued in his official capacity as a police officer for the Metropolitan Police Department, and also in his individual capacity.

11. Defendant St. Louis City Sheriff's Department (hereinafter "Defendant Sheriff's Department) is the governing body and the employer of Sheriff's employees for the City of St. Louis and is responsible for the training and supervision of Defendants James W. Murphy (hereinafter "Defendant Murphy"), Jerald Doe, Jackson Doe, and Jefferson Doe. Defendant Murphy has the legal responsibility and policymaking authority for the Sheriff's Department.

12. Defendant Murphy, is and was at all times relevant to the incidents described in this Complaint, the Sheriff of the City of St. Louis, charged with responsibility for the safety and security of the thirty-one divisional courtrooms of the Twenty-Second Judicial Circuit Court, the

transportation of prisoners between the Courts and detention facilities, and the training and supervision of the deputy sheriffs, including Defendants Jerald Doe, Jackson Doe, and Jefferson Doe. Defendant Murphy is sued in his official capacity as Sheriff of the City of St. Louis.

13. Defendant Jerald Doe, is and was at all times relevant to the incidents described in this Complaint, a deputy for the Sheriff's Department, acting in such capacity as an agent and servant of the Sheriff's Department, acting under the control of Defendant Sheriff's Department and Defendant Murphy, and acting pursuant to an official policy, custom, and/or practice of the Sheriff's Department. Defendant Jerald Doe is sued in his official capacity as a deputy for the Sheriff's Department, and also in his individual capacity.

14. Defendant Jackson Doe, is and was at all times relevant to the incidents described in this Complaint, a deputy for the Sheriff's Department, acting in such capacity as an agent and servant of the Sheriff's Department, acting under the control of Defendant Sheriff's Department and Defendant Murphy, and acting pursuant to an official policy, custom, and/or practice of the Sheriff's Department. Defendant Jackson Doe is sued in his official capacity as a deputy for the Sheriff's Department, and also in his individual capacity.

15. Defendant Jefferson Doe, is and was at all times relevant to the incidents described in this Complaint, a deputy for the Sheriff's Department, acting in such capacity as an agent and servant of the Sheriff's Department, acting under the control of Defendant Sheriff's Department and Defendant Murphy, and acting pursuant to an official policy, custom, and/or practice of the Sheriff's Department. Defendant Jefferson Doe is sued in his official capacity as a deputy for the Sheriff's Department, and also in his individual capacity.

16. Defendant St. Louis City Division of Corrections (hereinafter “Defendant Division of Corrections”) is the governing body and the employer for the St. Louis City Justice Center (hereinafter “Justice Center”) and the Medium Security Institution (commonly known as and referred to hereinafter as “Workhouse”) and is responsible for the training and supervision of Defendants Gene Stubblefield (hereinafter “Defendant Stubblefield”), Justin Doe, and Jacob Doe. Defendant Stubblefield has legal responsibility and policymaking authority for the Division of Corrections.

17. Defendant Gene Stubblefield, is and was at all times relevant to the incidents described in this Complaint, the Commissioner of the Division of Corrections, charged with the custodial care of pre-trial inmates at the Workhouse and the Justice Center, and the training and supervision of the Justice Center corrections officers, including Defendant Justin Doe and Jacob Doe. Defendant Stubblefield is sued in his official capacity, as Commissioner of the Division of Corrections.

18. Defendant Justin Doe, a Justice Center corrections officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Division of Corrections, acting in such capacity as an agent and servant of the Division of Corrections, acting under the control of Defendant Division of Corrections and Defendant Stubblefield, and acting pursuant to an official policy, custom, and/or practice of the Division of Corrections. Defendant Justin Doe is sued in his official capacity as a corrections officer for the Division of Corrections, and also in his individual capacity.

19. Defendant Jacob Doe, a Justice Center corrections officer, is and was at all times relevant to the incidents described in this Complaint, a law enforcement officer for the Division

of Corrections, acting in such capacity as an agent and servant of the Division of Corrections, acting under the control of Defendant Division of Corrections and Defendant Stubblefield, and acting pursuant to an official policy, custom, and/or practice of the Division of Corrections. Defendant Jacob Doe is sued in his official capacity as a corrections officer for the Division of Corrections, and also in his individual capacity.

20. At all times relevant to this case and in all actions and omissions alleged herein, all Defendants were acting under color of state law.

#### **JURISDICTION AND VENUE**

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the federal constitution, and therefore, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and § 1343.

22. This Court has supplemental jurisdiction to hear and decide claims arising out of state law pursuant to 28 U.S.C. § 1367.

23. The relevant acts and omissions occurred in St. Louis City, Missouri; therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

24. Divisional venue is in the Eastern Division because the events giving rise to the suit occurred in St. Louis City. E.D.Mo. L.R. 2.07(A)(1), (B)(1).

25. The State of Missouri has waived sovereign immunity against the individual police officers and the Board of Police Commissioners of the City of St. Louis, by the enactment of Missouri Revised Statute § 105.711.

### **STATEMENT OF FACTS**

26. On or about May 3, 2008, charges were brought in the City of St. Louis against Corey Darmel Leonard under cause number 0922-CR00381-01. Mr. Leonard was released on bond, but when he failed to appear on or about October 21, 2010, Judge Stephen R. Ohmer ordered his bond revoked and ordered a capias warrant issued for his arrest, 10-STFTA-559.

27. On or about August 25, 2008, charges were brought in the City of St. Louis against Corey Darmel Leonard under cause number 0822-CR05202. Mr. Leonard was released on bond, but when he failed to appear on or about November 10, 2009, Judge Calea Stovall-Reid ordered a capias warrant issued for his arrest, 09-STFTA-527.

28. On or about May 9, 2009, charges were brought in the City of St. Louis against Corey Darmel Leonard under cause number 0922-CR02343-01. Mr. Leonard was released on bond, but when he failed to appear on or about October 21, 2010, Judge Stephen R. Ohmer ordered his bond revoked and ordered a capias warrant issued for his arrest, 10-STFTA-560.

29. On August 20, 2011, around 7:00 P.M., Defendant Wismar and three other officers of the Metropolitan Police Department stopped Plaintiff near the intersection of Jefferson and Gravois in the City of St. Louis, on suspicion of petty larceny.

30. At one of the officer's request, Plaintiff provided the officers with valid identification in the form of his driver's license and social security card.

31. Despite Plaintiff's assurances that his identification was true, Defendant Wismar and the other officers insisted that Plaintiff was in fact Corey Darmel Leonard, who was the subject of outstanding warrants 10-STFTA-559, 09-STFTA-527, and 10-STFTA-560, for cases numbered 0822-CR05202, 0922-CR00381-01, 0922-CR02343-01.

32. Upon information and belief, Corey Darmel Leonard has never used the name Cedric Maurice Wright as an alias.

33. Plaintiff was unarmed and fully cooperated with Defendant Wismar and the other officers.

34. Plaintiff repeatedly tried to explain to Defendant Wismar that he was not Mr. Leonard.

35. Despite Plaintiff's constant cooperation with Defendant Wismar and the other officers and Plaintiff's repeated protests that he was not Corey Darmel Leonard, one or more of the officers threw Plaintiff to the ground, told Plaintiff he was under arrest for the outstanding warrants issued to Corey Darmel Leonard, and violently shoved Plaintiff into the patrol car.

36. Plaintiff sustained a knee injury and bruising on his other limbs as a result of the excessive force used to execute the arrest.

37. Upon information and belief, Defendant Wismar had no probable cause or reasonable suspicion of illegal conduct to arrest Plaintiff except for his mistaken belief that Plaintiff was Corey Darmel Leonard.

38. After his arrest, to the South Patrol Division of the Metropolitan Police Department (hereinafter "Substation") located at 3157 Sublette Ave., St. Louis, Missouri 63139, where he was fingerprinted and booked by Defendant James Doe.

39. Defendant James Doe fingerprinted Plaintiff and gave him an inmate identification bracelet identifying him as Cedric Maurice Wright.

40. As Plaintiff was previously arrested and convicted for a minor criminal offense in the City of St. Louis, his fingerprints were already in the criminal identification database.

41. Upon information and belief, the criminal identification database accurately contained information about Plaintiff, including his photo, fingerprints, date of birth, August 23, 1969, and social security number.

42. As Corey Darmel Leonard was previously arrested and convicted for a criminal offense in the City of St. Louis, his fingerprints were also already in the criminal identification database.

43. Upon information and belief, at all times mentioned herein, all Defendants had various computer data bases at their disposal including Missouri Uniform Law Enforcement System (M.U.L.E.S.) and the National Crime Information Center (N.C.I.C.), which would have positively identified Plaintiff as Cedric Maurice Wright and not Corey Darmel Leonard, and failed to utilize or misused said databases, thereby directly and proximately leading to wrongful detention of Plaintiff for sixty-two (62) days.

44. Upon information and belief, the criminal identification database accurately contained information about Corey Darmel Leonard, including his photo, fingerprints, date of birth, May 13, 1971, and social security number.

45. Despite Plaintiff's proof of identification, and repeated protests that he was not Mr. Leonard, upon information and belief, one or more officers at the Substation, including Defendant James Doe, failed to compare Plaintiff's fingerprints to Mr. Leonard's, which would have exonerated Plaintiff.

46. Instead, at the St. Louis City Police Substation, Defendant John Doe served Plaintiff with the writs issued for Mr. Leonard numbered 10-STFTA-559, 09-STFTA-

527, and 10-STFTA-560, for cases numbered 0822-CR05202, 0922-CR00381-01, 0922-CR02343-01.

47. On the morning of August 22, 2011, Plaintiff was transported in the custody of the Metropolitan Police Department from the Substation to St. Louis City Justice Center (hereinafter "Justice Center") located at 200 South Tucker Boulevard, St. Louis, Missouri 63102.

48. Once at the Justice Center, upon information and belief, while in the custody of the Metropolitan Police Department, despite Plaintiff's repeated protests that he was not Corey Darmel Leonard and despite the fact that Plaintiff was given an inmate identification bracelet identifying him as Cedric Maurice Wright, Defendant Joseph Doe wrongfully confined Plaintiff in a holding pen, to await a scheduled court appearance for Corey Darmel Leonard under case number 0822-CR05202.

49. Upon information and belief, despite Plaintiff's proof of identification, and repeated protests that he was not Mr. Leonard, one or more Metropolitan Police Department officers at the Justice Center, including Defendant Joseph Doe, failed to compare Plaintiff's fingerprints to Corey Darmel Leonard's, which would have demonstrated that the wrong individual was in the defendants' custody.

50. From the holding pen, despite Plaintiff's repeated protests that he was not Corey Darmel Leonard and despite the fact that Plaintiff was given an inmate identification bracelet identifying him as Cedric Maurice Wright, Defendant Jerald Doe took Plaintiff into the custody of the St. Louis City Sheriff's Department (hereinafter "Sheriff's Department") and transported Plaintiff to a holding cell, to await a scheduled court appearance for Corey Darmel Leonard.

51. From the holding cell, despite Plaintiff's repeated protests that he was not Corey Darmel Leonard and despite the fact that Plaintiff was given an inmate identification bracelet identifying him as Cedric Maurice Wright, while in the custody of the Sheriff's Department, Defendant Jackson Doe transported Plaintiff to Division 26 in the Twenty-Second Judicial Circuit Court in the City of St. Louis before Judge Elizabeth Byrne Hogan (hereinafter "Judge Hogan").

52. Upon information and belief, when Plaintiff did not respond when Judge Hogan called out "Corey Darmel Leonard," Judge Hogan and Assistant Circuit Attorney Patrick Carmody realized Plaintiff was being wrongfully detained as Corey Darmel Leonard under case number 0822-CR05202.

53. Mr. Carmody filed and Judge Hogan signed an order requesting Plaintiff's release due to the fact he was not the proper defendant on case number 0822-CR05202.

54. Despite the fact that Judge Hogan signed and ordered the release of Plaintiff on August 22, 2011 under case number 0822-CR05202, Plaintiff was wrongfully and involuntarily incarcerated for another sixty (60) days for charges pending against Corey Darmel Leonard.

55. After Judge Hogan ordered Plaintiff's release, Defendant Jefferson Doe transported Plaintiff from Division 26 back to the Justice Center, where Plaintiff was put in the custody of Defendant Division of Corrections.

56. Despite the fact that Judge Hogan ordered Plaintiff's release, despite Plaintiff's repeated protests that he was not Corey Darmel Leonard, and despite the fact that Plaintiff was given an inmate identification bracelet identifying him as Cedric Maurice Wright, Defendant Justin Doe subjected Plaintiff to faulty inmate intake identification processes, including fingerprinting.

57. From the Justice Center, despite Plaintiff's repeated protests that he was not Corey Darmel Leonard, and despite the fact that Plaintiff was given an inmate identification bracelet identifying him as Cedric Maurice Wright, Defendant Jacob Doe transported Plaintiff to the Workhouse, where he wrongfully remained in the custody of the Division of Corrections for another sixty (60) days after Judge Hogan ordered Plaintiff's release.

58. On or about October 16, 2011, at the suggestion of a fellow inmate, Plaintiff wrote a letter to Public Defender Mary Fox, pleading for her assistance to secure his release because he was jailed for something he did not do and that he was accused of being someone named "Corey."

59. On or about October 18, 2011, Ms. Fox received Plaintiff's letter, and she soon discovered that Corey Darmel Leonard was incarcerated at that time in the St. Louis County Justice Center, not the City of St. Louis.

60. Upon information and belief, Ms. Fox's office contacted the Workhouse, who informed them that as of the time of the phone call, Plaintiff was being held on three Missouri cases, numbers: 0822-CR05202, 0922-CR00381-01, and 0922-CR02343-01.

61. On October 20, 2011, Plaintiff finally was brought before Judge John F. Garvey, Jr., in Division 16 at the St. Louis City Criminal Courthouse. Ms. Fox appeared on behalf of Plaintiff and explained the identification error. Plaintiff was informed that a mistake had been made and that he should not have been arrested or detained. Judge Garvey then ordered Plaintiff's immediate release on cases numbered 0822-CR05202, 0922-CR00381-01, and 0922-CR02343-01.

62. On this occasion, the defendants followed the judge's order and finally released the Plaintiff.

63. From August 20, 2011 through October 20, 2011, for sixty-two (62) days, Plaintiff was wrongfully and involuntarily held in the custody of the Metropolitan Police Department, the Sheriff's Department, and/or the Division of Corrections.

64. Upon information and belief, the real Corey Darmel Leonard was being held at the St. Louis County Justice Center in Clayton, Missouri throughout the time that Plaintiff was wrongfully and involuntarily held. The Defendants failed to check or ascertain this fact.

65. During said sixty-two (62) days, Plaintiff continued to protest that he was misidentified, that he did not know Corey Darmel Leonard, and that he was not involved in any criminal activity with Mr. Leonard. Throughout his time in custody, Plaintiff repeatedly complained about his unlawful detention to jail personnel, who were employees and agents acting on behalf and under the direction of Defendants Board, Isom, Leyschock, and Stubblefield. Plaintiff's complaints were summarily ignored. None of the defendants, nor their agents or employees, investigated Plaintiff's claims of innocence or misidentification.

66. From August 22, 2011, at the time Judge Hogan ordered Plaintiff was the improper defendant in case number 0822-CR05202, until October 20, 2011, Plaintiff remained wrongfully charged in that case as Corey Darmel Leonard.

67. Plaintiff was never brought before a judge for warrants issued to Corey Darmel Leonard for cases numbered 0922-CR00381-01 and 0922-CR02343-01.

68. This is an action for money damages brought pursuant to 42 U.S.C. § 1983, because Plaintiff was wrongfully held in the custody of Defendants for sixty-two days—some

1,488 hours—in violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution.

69. Plaintiff also alleges that each of these violations were committed as a result of the hiring, training, supervision, policies, customs, and practices, or lack thereof, of the St. Louis Board of Police Commissioners for the St. Louis Metropolitan Police Department (hereinafter “Board”), the Sheriff’s Department, and the Division of Corrections.

70. Defendants’ repeated refusal to verify Plaintiff’s claims of innocence and misidentification shocks the conscience in that such conduct constituted deliberate indifference or gross negligence to Plaintiff’s rights under the Fourth and Fourteenth Amendments to the United States Constitution.

71. Plaintiff also has state law claims for false arrest and false imprisonment.

72. Defendants Board, Isom, Leyshock, Sheriff’s Department, Murphy, Division of Corrections, and Stubblefield’s failure to provide sufficient policies, training, and supervision of police officers, deputy sheriffs, and corrections officers, specifically pertaining to unlawful arrests, seizures, detentions, faulty execution of warrants, identification procedures of defendants who are the subject of warrants, and lack of policies or enforcement of policies to prevent the misidentification of detained persons, is unconstitutional, and their deliberate indifference to, and willful tolerance of, such practices and customs (or lack thereof) represents deliberate indifference to the rights of persons with whom the officers come into contact.

73. Defendant Board possessed, in whole or in part, policymaking and or supervisory authority for the Metropolitan Police Department and acted, for all times relevant to this Complaint, under color of state law. Defendant Board delegated its policymaking and/or

supervisory authority, in whole or in part, to Defendants Isom and Leyshock, each acting under color of state law. Therefore, Defendants Board, Isom, and Leyshock are liable for the unconstitutional actions of Defendants Andrew Wismar, John Doe, James Doe, and Joseph Doe, by failing to properly train and supervise, and by the deliberate indifference and willful blindness to the unlawful customs described above.

74. Had Defendants Board, Isom, and Leyshock provided proper policies, training, and supervision to Defendants Andrew Wismar, John Doe, James Doe, and Joseph Doe, or prevented the longstanding customs described above, Plaintiff's federal and state constitutional rights would not have been violated.

75. Defendant Sheriff's Department delegated its policymaking and supervisory authority, in whole or in part, to Defendant Murphy who acted under color of state law. Therefore, Defendant St. Louis City Sheriff's Department and Defendant Murphy are liable for the unconstitutional actions of Defendant Jerald Doe, Defendant Jackson Doe, and Defendant Jefferson Doe, by failing to properly train and supervise, and by the deliberate indifference and willful blindness to the unlawful customs described above.

76. Had Defendant St. Louis City Sheriff's Department and Defendant Murphy provided proper policies, training, and supervision to Defendants Jerald Doe, Jackson Doe, and Jefferson Doe, or prevented the longstanding customs described above, Plaintiff's federal and state constitutional rights would not have been violated.

77. Defendant Division of Corrections delegated its policymaking and supervisory authority, in whole or in part, to Defendant Stubblefield who acted under color of state law. Therefore, Defendant Division of Corrections and Defendant Stubblefield are liable for the

unconstitutional actions of Defendant Justin Doe and Defendant Jacob Doe, by failing to properly train and supervise, and by the deliberate indifference and willful blindness to the unlawful customs described above. Had Defendant Division of Corrections and Defendant Stubblefield provided proper policies, training, and supervision to Defendant Justin Doe and Defendant Jacob Doe, or prevented the longstanding customs described above, Plaintiff's federal and state constitutional rights would not have been violated.

78. Upon information and belief, Defendants could have quickly determined that Plaintiff was not the person for whom the warrant was issued by using readily available information in their position as described above.

79. Upon information and belief, Defendants failed and refused to use readily available means at their disposal to determine whether he was the person wanted on the warrants, or failed and/or refused to release Plaintiff despite being in possession of, or having ready access to, information confirming that he was not the person sought in the warrants.

80. Upon information and belief, Defendants have maintained or permitted official policies, customs or practices, including, but not limited to, Defendants' warrant procedures, booking procedures, release procedures and the lack of implementation of any internal procedures to alleviate problems of arresting and detaining the wrong individuals on warrants, despite the occurrence of numerous mistaken identity arrests and subsequent detentions and despite Defendants' possession of technology that makes it possible to recognize identity mistakes within minutes.

81. Upon information and belief, these official policies, customs or practices are the moving force behind the constitutional violations which Plaintiff suffered and also amount to a deliberate indifference to Plaintiff's constitutional rights.

**FACTS COMMON TO ALL CLAIMS**

82. Plaintiff is informed and believes that during the relevant time period, Defendants had developed and had the means to reliably identify the proper subjects of arrest warrants.

83. Upon information and belief, the following means of identification have been available to Defendants during the relevant time period:

- a. Assignment of unique numerical identifiers to arrestees based on their fingerprints, including but not limited to, assignment of a "Local Identifying Number" (LID), a unique identifying number, by the Missouri Department of Justice, to every person booked in a Missouri jail, or to every person who must be fingerprinted for reasons of employment. Use of LID numbers also allows law enforcement to generate its subject's criminal history, or "rap sheet," as maintained by the Missouri Department of Justice which reflects the subject's known full name, aliases, birth date, residential addresses, the subject's unique identifiers, such as social security, driver's license, and FBI number (a database similar to LID numbers, but on a national level), along with the subject's arrest, prosecution and conviction history, including time spent in state custody;
- b. Use of various warrant databases and "wanted person systems," including Missouri Uniform Law Enforcement System (M.U.L.E.S.) and the National Crime

Information Center (N.C.I.C.), which record and track outstanding warrants issued by any court in the State of Missouri and include physical descriptions and other identifying information;

- c. Use of other computer databases available to law enforcement officers such as REJIS (which contains mugshot booking photos), the Department of Motor Vehicles (“DMV”) database containing drivers license and identification card photos, as well as other descriptive information.

84. Upon information and belief, Defendants knew or should have known, or deliberately ignored exonerating information, based on readily available sources of official information including, but not limited to, those described above in paragraph 83, that Plaintiff and Class Members were not the persons for whom the warrants were issued.

85. Upon information and belief, Defendants failed and/or refused to use means at their disposal to determine whether Plaintiff and Class Members were the persons wanted on the warrants, and/or failed and/or refused to act in accordance with the information readily available to Defendants, and/or deliberately ignored exonerating information obtained by Defendants.

86. Upon information and belief, Defendants' failure and/or refusal to use means at their disposal to disposal to determine whether Plaintiff and Class Members were the persons wanted on the warrants, and/or their decision to deliberately ignore exonerating information obtained from the available sources, caused the violations of Plaintiff's and Class Members' rights as alleged herein throughout, and resulted in damages to Plaintiff and Class Members.

### **CLASS ALLEGATIONS**

87. Plaintiff seeks class certification pursuant to Fed.R.Civ.P. 23(a) and (b)(2) to allege claims for damages, injunctive and declaratory relief on behalf of himself and all persons similarly situated. This case satisfies the prerequisites of a Fed.R.Civ.P. 23(b)(2) class action.

88. The proposed class consists of all persons who have been arrested pursuant to a warrant for another person and then detained and incarcerated as a result of Defendants' failure to check the individuals' identities, from April 2010 through the present.

89. The class is so numerous that joinder of all members is impracticable. Plaintiff does not know the identities or exact number of all class members.

90. There are questions of law and fact common to all members of the class because all class members have been adversely affected by the challenged actions of the Defendants. Common questions of law and fact include, but are not limited to:

- a. Whether Defendants engaged in a custom, policy, pattern and/or practice of arresting and detaining class members for extended periods (more than 48 hours) without arraignment or pretrial hearing;
- b. Whether Defendants were deliberately indifferent to and violated the constitutional and due process rights of class members arrested and detained by failing to afford them an arraignment or pretrial hearing;
- c. Whether Defendants violated 42 U.S.C. § 1983 by arresting and detaining class members for extended periods (more than 48 hours) without arraignment or pretrial hearing;

- d. Whether Defendants engaged in a custom, policy, pattern and/or practice of failing to use and/or refusing to use readily available means of identification to avoid falsely imprisoning innocent subjects who were misidentified as being subject to an arrest warrant;
- e. Whether Defendants maintained customs, policies, patterns and practices which caused and/or contributed to the violations of the Plaintiffs and class members' rights as alleged herein;
- f. Whether Defendants failed to properly train and supervise officers, deputies and employees which caused and/or contributed to the violation of Plaintiffs and class members rights;
- g. Whether Defendants must include on a warrant, when it is known, the warrant subject's unique fingerprint-based identifiers that describe him or her to the exclusion of all other persons;
- h. Whether Defendants are or should be charged with the knowledge of their own records which indicate that a warrant arrestee's unique, fingerprint-based identifiers do not match those of the subject described on the warrant;
- i. Whether probable cause exists to believe that an arrestee is the subject of a warrant when Defendants know or should know that the warrant arrestee's unique fingerprint-based identifiers do not match those of the warrant's subject;
- j. Whether the governing legal standard for the lawfulness of an arrest and detention on a warrant is the Fourth Amendment;

k. Whether, and to what extent, Defendants, in a state with a population of over 6 million residents with many thousands sharing the same or similar names, birth dates and physical descriptors, must train their personnel to use means readily available to them to ensure that innocent persons are not arrested and incarcerated due to misidentification; and

l. Whether Defendants must take steps to prevent future misidentification arrests on warrants once it has been determined that an arrestee is not the warrant's subject, the arrestee is released and the warrant re-issued.

102. The claims of the named, representative Plaintiff are typical of the claims of the class. The claims of the class members arise from the same type of conduct, customs, policies or practices that have resulted in damages to the class representative and are based on the same legal theories.

103. The named, representative Plaintiff will fairly and adequately protect the interests of the class because he is, and was, subject to the policies, customs, patterns and practices complained of herein, and has no interests antagonistic to other members of the class.

104. Plaintiff's counsel is experienced in litigating federal cases, has received training in class action and civil rights litigation, and will associate other experienced counsel as necessary in order to advance the interests of the class.

105. Defendants have acted and/or have failed to act on grounds generally applicable to the class, and an award of damages, injunctive and declaratory relief for the class as a whole is appropriate.

106. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or incompatible standards of conduct for Defendants, thereby making a class action the superior method of adjudicating the controversy.

**STATEMENT OF DAMAGES AND RELIEF SOUGHT**

107. As a result of the acts and/or omissions of Defendants as alleged in this Complaint, Plaintiff, and those persons similarly situated, and each of them, suffered damages and/or injuries, including, but not limited to, general and special damages including lost wages, emotional distress, pain and suffering, and attorney's fees incurred to clear their names and prevent recurrence of false arrest by Defendants, in amounts to be determined according to proof.

108. As a result of the acts and/or omissions of Defendants as alleged in this Complaint, Plaintiff, and those persons similarly situated, and each of them, suffered special damages or may suffer special damages in the future, including, but not limited to, lost wages, criminal defense attorneys' fees and costs, and bail bond expenses, in amounts to be determined according to proof.

109. Defendants' policies, practices, customs, conduct and acts alleged herein have resulted and will continue to result in irreparable injury to Plaintiff and class members, including, but not limited to, violations of their constitutional and statutory rights. Plaintiff and class members have no plain, adequate or complete remedy at law to address the wrongs described herein.

110. Plaintiff and class members intend in the future to exercise their constitutional rights in the vicinity of the City of St. Louis. Defendants' conduct described herein has created

fear, anxiety and uncertainty among Plaintiff and class members with respect to their ability to exercise their constitutional rights in the present and future, and with respect to their liberty, privacy, physical security and safety. Defendants' conduct described herein has also created fear, anxiety and uncertainty among Plaintiff and class members with respect to their exercise of their right to move freely about the public streets, in their own homes and/or in the homes of friends and/or relatives without being subjected to false arrest and incarceration based upon misidentification.

111. Plaintiff and the class members therefore seek injunctive relief from this court, to ensure that Plaintiff and persons similarly situated will not suffer violations of their rights from Defendants' illegal and unconstitutional policies, customs and practices as described herein.

112. An actual controversy exists between Plaintiff, class members and Defendants in that Plaintiff and class members contend that the policies, practices and conduct of Defendants alleged herein are unlawful and unconstitutional. Plaintiff and class members are informed and believe that Defendants contend that said policies, practices and conduct are lawful and constitutional. Plaintiff seeks a declaration of rights with respect to this controversy.

**COUNT I**  
**42 U.S.C. § 1983 (Fourth and Fourteenth Amendments)**  
**Class Action Count Against All Defendants and Does**

113. Plaintiff and class members incorporate by reference and re-allege paragraphs 1 through 112 as though set forth herein.

114. Plaintiff brings this cause of action on his own behalf and in his representative capacity for class members, as against all Defendants and Does in their official capacity.

115. The conduct of each Defendant violated the rights of Plaintiff and class members to be secure in their persons and effects against unreasonable searches and seizures and not to be falsely imprisoned, as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution and entitles Plaintiff and class members to recover damages pursuant to 42 U.S.C. § 1983.

116. As a direct and proximate cause of the aforementioned acts of Defendants and each of them, Plaintiff and class members were injured and suffered damages as set forth herein.

WHEREFORE, Plaintiff and class members pray for judgment against Defendants; order class certification defined herein pursuant to Fed.R.Civ.P. 23(a), and (b)(2); grant preliminary and permanent injunctive relief restraining Defendants from engaging in the unlawful and unconstitutional actions complained of above; issue a declaratory judgment that Defendants' conduct complained of herein was a violation of Plaintiff's rights under the Constitution and laws of the United States and Missouri; award general, special and compensatory damages for the named Plaintiff and class members, to be determined according to proof; award any applicable statutory penalties; award attorney's fees and costs under 42 U.S.C. § 1988, or under any other applicable statutes or law; and any such other relief the Court finds just and proper.

**COUNT II**  
**42 U.S.C. § 1983 (Fourteenth Amendment)**  
**Class Action Count Against All Defendants and Does**

117. Plaintiff and class members incorporate by reference and re-allege paragraphs 1 through 116 as though set forth herein.

118. Plaintiff brings this cause of action on his own behalf and in his representative capacity for class members, as against all Defendants and Does in their official capacities.

119. The conduct of each Defendant violated the rights of Plaintiff and class members not to be wrongfully deprived of liberty, as guaranteed by the Fourteenth Amendment to the United States Constitution and entitles Plaintiff and class members to recover damages pursuant to 42 U.S.C. § 1983.

120. As a direct and proximate cause of the aforementioned acts of Defendants and each of them, Plaintiff and class members were injured and suffered damages as set forth herein.

WHEREFORE, Plaintiff and class members pray for judgment against Defendants; order class certification defined herein pursuant to Fed.R.Civ.P. 23(a), and (b)(2); grant preliminary and permanent injunctive relief restraining Defendants from engaging in the unlawful and unconstitutional actions complained of above; issue a declaratory judgment that Defendants' conduct complained of herein was a violation of Plaintiff's rights under the Constitution and laws of the United States and Missouri; award general, special and compensatory damages for the named Plaintiff and class members, to be determined according to proof; award any applicable statutory penalties; award attorney's fees and costs under 42 U.S.C. § 1988, or under any other applicable statutes or law; and any such other relief the Court finds just and proper.

**COUNT III**  
***Monell Claims - 42 U.S.C. § 1983 Claims***  
***Class Action Count Against All Defendants and Does***

121. Plaintiff and class members incorporate by reference and re-allege paragraphs 1 through 120 as though set forth herein.

122. Plaintiff brings this cause of action on his own behalf and in his representative capacity for class members under 42 U.S.C. § 1983, as against all Defendants and Does in their official capacities.

123. Defendants' violations of Plaintiffs and class members' Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures, false imprisonment, and wrongful deprivation of liberty, as set forth herein, were the direct and proximate results of Defendants, longstanding customs, policies, practices and/or procedures.

124. These longstanding customs, policies, practices and/or procedures, include, but are not limited to, Defendants' standard operating procedures.

125. Said customs, policies, practices and/or procedures include, *inter alia*: an ongoing pattern of failure to train, supervise and/or discipline Defendants' officers and employees regarding the prevention of the wrongful arrest and detention of the wrong person due to misidentification during the relevant time period; an ongoing pattern of deliberate indifference and failure to investigate the truthful claims of innocent arrestees who have been misidentified.

126. Defendants expressly or tacitly encouraged, ratified, and/or approved of the acts and/or omissions alleged herein and knew that such conduct was unjustified and would result in violations of Plaintiffs and class members' constitutional rights.

127. As a result of the foregoing, Plaintiff and class members were subjected to pain and suffering damages that were a direct and proximate result of Defendants' customs, policies, practices and/or procedures.

WHEREFORE, Plaintiff and class members pray for judgment against Defendants; order class certification defined herein pursuant to Fed.R.Civ.P. 23(a), and (b)(2); grant preliminary and permanent injunctive relief restraining Defendants from engaging in the unlawful and unconstitutional actions complained of above; issue a declaratory judgment that Defendants' conduct complained of herein was a violation of Plaintiff's rights under the Constitution and laws of the United States and Missouri; award general, special and compensatory damages for the named Plaintiff and class members, to be determined according to proof; award any applicable statutory penalties; award attorney's fees and costs under 42 U.S.C. § 1988, or under any other applicable statutes or law; and any such other relief the Court finds just and proper.

**COUNT IV**  
**False Arrest & False Imprisonment – Missouri State Law**  
**Class Action Count Against All Defendants and Does**

128. Plaintiff and class members incorporate by reference and re-allege paragraphs 1 through 127 as though set forth herein.

129. Plaintiff brings this cause of action on his own behalf and in his representative capacity for class members, as against all Defendants and Does in their official capacities.

130. By wrongfully detaining and arresting Plaintiff and class members, Defendants and each of them, incarcerated persons without lawful authority or justification.

131. As a direct and proximate cause of the aforementioned acts of Defendants and each of them, Plaintiff and class members were injured and suffered damages as set forth herein.

WHEREFORE, Plaintiff and class members pray for judgment against Defendants; order class certification defined herein pursuant to Fed.R.Civ.P. 23(a), and (b)(2); grant preliminary

and permanent injunctive relief restraining Defendants from engaging in the unlawful and unconstitutional actions complained of above; issue a declaratory judgment that Defendants' conduct complained of herein was a violation of Plaintiff's rights under the Constitution and laws of the United States and Missouri; award general, special and compensatory damages for the named Plaintiff and class members, to be determined according to proof; award any applicable statutory penalties; award attorney's fees and costs under 42 U.S.C. § 1988, or under any other applicable statutes or law; and any such other relief the Court finds just and proper.

**COUNT V**

**Fourth Amendment – 42 U.S. § 1983**

**Plaintiff's Count Against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe**

132. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 131 as though set forth herein.

133. Plaintiff brings this cause of action on his own behalf, against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities.

134. Defendants subjected Plaintiff to an unlawful and unjustified search and seizure of his person in violation of the Fourth Amendment to the U.S. Constitution by one or more of the following acts:

- a. Placing Plaintiff under arrest without a valid warrant, probable cause, or reasonable suspicion of illegal conduct;
- b. Transporting Plaintiff in their custody to the Sublette, where he was searched upon intake;

- c. Transporting Plaintiff in their custody to the Justice Center, where he was searched upon intake;
- d. Transporting Plaintiff in their custody to the Workhouse, where he was searched upon intake;
- e. Causing Plaintiff to be subjected to a search without any valid warrant, probable cause, reasonable suspicion of illegal conduct, or any other justification;

135. The search and seizure suffered by Plaintiff was illegal and unreasonable, and deprived Plaintiff of his civil rights pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution.

136. The foregoing acts or omissions constitute a violation of and deliberate indifference to Plaintiff's constitutional rights.

137. Defendants' conduct is outrageous and shocks the conscience.

138. As a direct and proximate result of the actions and inactions of Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, Plaintiff suffered an unreasonable seizure of his person without a warrant or probable cause in violation of the Fourth Amendment for sixty-two (62) days.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities; declare that the foregoing policies or customs of Defendants Board, Isom, Leyshock, Sheriff's Department, Murphy, Division of Corrections, and Stubblefield, and the acts and omissions of Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe,

and Jacob Doe are unconstitutional; award Plaintiff compensatory damages against all Defendants; award Plaintiff punitive damages against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, in their individual capacities; award Plaintiff reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and grant such other and further relief as is available and appropriate under the circumstances.

**COUNT VI**

**Fourteenth Amendment – 42 U.S.C. § 1983**

**Plaintiff's Count Against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe**

139. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 138 as though set forth herein.

140. Plaintiff brings this cause of action on his own behalf, against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities.

141. Defendants violated Plaintiff's clearly established constitutional right to due process under the Fourteenth Amendment not to be detained for an extended period of time without a court appearance by one or more of the following acts:

- a. Causing Plaintiff to be detained involuntarily for sixty-two (62) days without prompt access to the judicial system for two charges;
- b. Causing Plaintiff to be detained involuntarily for sixty (60) days without further access to the judicial system after being ordered released on a charge;
- c. Failing to provide Plaintiff a means for initiating a challenge to the duration of his detention;

- d. Failing to provide Plaintiff a means for initiating a challenge to the validity of his detention;
- e. Failing to inform Plaintiff of available means for initiating a challenge to the duration or validity of his detention;
- f. Failing to communicate Plaintiff's complaints about his unlawful detention to their superiors, to a prosecutor, or to a judge;
- g. Failing to take any action for sixty-two (62) days to ensure that Plaintiff was held pursuant to a validly executed capias warrant;

142. The prolonged detention of Plaintiff without a court appearance was illegal and unreasonable, and deprived Plaintiff of his civil rights pursuant to 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution.

143. The foregoing acts or omissions constitute a violation of and deliberate indifference to Plaintiff's constitutional rights.

144. Defendants' conduct is outrageous and shocks the conscience.

145. As a direct and proximate result of the actions and inactions of Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, Plaintiff suffered a prolonged detention without a court appearance for sixty-two (62) days on two different warrants.

146. As the direct and proximate result of the foregoing, Plaintiff suffered the following injuries and damages:

- a. Loss of his physical liberty for sixty-two (62) days;
- b. Loss of employment with Goodwill; and

c. Violation of his right to Due Process under the Fourteenth Amendment to the U.S. Constitution.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities; declare that the foregoing policies or customs of Defendants Board, Isom, Leyshock, Sheriff's Department, Murphy, Division of Corrections, and Stubblefield, and the acts and omissions of Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe are unconstitutional; award Plaintiff compensatory damages against all Defendants; award Plaintiff punitive damages against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, in their individual capacities; award Plaintiff reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and grant such other and further relief as is available and appropriate under the circumstances.

**COUNT VII**  
**Fourth Amendment – 42 U.S.C. § 1983**  
**Plaintiff's Count against Defendants Board, Isom, Leyshock, and Wismar**

147. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 146 as though set forth herein.

148. Plaintiff brings this cause of action on his own behalf, against Defendants Board, Isom, Leyshock, and Wismar, in their official capacities, and against Defendant Wismar in his individual capacity.

149. Defendant Wismar and three other officers used excessive force when arresting Plaintiff in violation of his Fourth Amendment right to be free from excessive force by violently throwing Plaintiff to the ground and shoving Plaintiff in the patrol car with such excessive force as to cause bruising to his limbs and injuries to his knee.

150. Plaintiff's constitutional right against excessive force was clearly established at the time of the officers' conduct because at no time during the arrest did Plaintiff attempt to flee, make physically threatening mannerisms, or make verbal threats. Further such force was unreasonable and unnecessary to execute the arrest of Plaintiff because Plaintiff was at all times cooperative with Defendant Wismar and the other officers.

151. Thus, Defendants are not entitled to qualified immunity.

152. The amount of force used by Defendant Wismar to effectuate the arrest of Plaintiff was objectively unreasonable because:

- a. The severity of the crime Plaintiff was suspected of committing at the time of arrest, petty larceny, was low;
- b. Plaintiff posed no immediate safety threat to Defendant Wismar or others because he was unarmed and was cooperative and was not physically or verbally threatening to the officers or others; and
- c. Plaintiff did not resist arrest or attempt to evade arrest by flight.

153. A reasonable officer would know that using such force to cause bruising and knee injuries is unnecessary and unlawful conduct when confronted with a suspect who was docile, compliant, and unarmed.

154. Such force was unnecessary, gratuitous, and disproportionate to the situation presented to Defendant Wismar.

155. As a direct and proximate cause of the foregoing, Plaintiff suffered the following injuries and damages:

- a. Physical injuries to his knee and other limbs.
- b. Violation of his Fourth Amendment right against excessive force.

156. Defendants' conduct is outrageous and shocks the conscience.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants Board, Isom, Leyshock, and Wismar; issue an injunction requiring Defendants Board, Isom, and Leyshock, to develop and implement adequate training programs for its police officers about citizen's rights under the Fourth Amendment; award Plaintiff compensatory damages against Defendants Board, Isom, Leyshock, and Wismar; award Plaintiff punitive damages against Defendant Wismar, in his individual capacity; award Plaintiff reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and grant such other and further relief as is available and appropriate under the circumstances.

**COUNT VIII**

**False Arrest & False Imprisonment – Missouri State Law**

**Plaintiff's Count Against Defendant Wismar, John Doe, James Doe, Joseph doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe**

157. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 156 as though set forth herein.

158. Plaintiff brings this cause of action on his own behalf, against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities.

159. Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, restrained, arrested, and imprisoned Plaintiff against his will without legal justification for a period of sixty-two (62) days.

160. Defendants knew or should have known that Plaintiff's arrest was illegal and there was no legal right to imprison Plaintiff because:

- a. At the time he was arrested and at the subsequent inventory searches conducted on Plaintiff, he presented his driver's license issued to him by the State of Missouri and his social security card, both identifying him as Cedric Maurice Wright;
- b. Throughout his incarceration, Plaintiff repeatedly told Defendants he was not Corey Darmel Leonard and that he did not know and was not affiliated with Corey Darmel Leonard;
- c. Plaintiff was fingerprinted at least twice;
- d. On August 22, 2011, Judge Hogan ordered Plaintiff's release because he was not Corey Darmel Leonard.

161. The false arrest suffered by Plaintiff occurred during an illegal search and seizure in violation of Plaintiff's rights under the Fourth Amendment and was without legal justification.

162. As a direct and proximate consequence of the foregoing, Plaintiff suffered the following injuries and damages:

- a. Loss of physical liberty for sixty-two (62) days;

- b. Mental pain and suffering, including fear that he would never properly be identified and that he may be incarcerated indefinitely—especially after Judge Hogan’s order for his release went ignored;
- c. Mental pain and suffering, including shame, humiliation, and mortification from the indignity and disgrace of being incarcerated for sixty-two (62) days and losing his employment with Goodwill;
- d. Loss of employment earnings and employment opportunity with Goodwill.

163. At all times of the events described in this Complaint, Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe acted under color of state law.

164. Defendants’ conduct constituted a willful violation of and deliberate indifference to Plaintiff’s right to be free from false arrest and false imprisonment and the deprivation of his liberty.

165. Defendants’ conduct is offensive, outrageous, and shocks the conscience.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in favor of Plaintiff and against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe in their individual capacities; award Plaintiff compensatory damages against all Defendants; award Plaintiff punitive and aggravated damages against Defendants Wismar, John Doe, James Doe, Joseph Doe, Jerald Doe, Jackson Doe, Jefferson Doe, Justin Doe, and Jacob Doe, in their individual capacities; award Plaintiff reasonable costs and attorneys’ fees; and grant such other and further relief as is available and appropriate under the circumstances.

HACKING LAW PRACTICE, LLC

/s/ James O. Hacking, III

James O. Hacking, III

jim@hackinglawpractice.com

Jennifer L. Shoulberg

jennifer@hackinglawpractice.com

34 N. Gore, Suite 101

Phone: (314) 961-8200

Fax: (314) 961-8201

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2012, the foregoing was electronically filed with the

Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Ms. Karin A. Schute  
ATTORNEY GENERAL OF MISSOURI  
P.O. Box 861  
St. Louis, MO 63188  
[karin.schute@ago.mo.gov](mailto:karin.schute@ago.mo.gov)

Mr. Daniel J. Emerson  
ST. LOUIS CITY COUNSELOR  
314 City Hall  
St. Louis, MO 63103  
[emersond@stlouiscity.com](mailto:emersond@stlouiscity.com)

James O. Hacking, III