

IN THE UNITED STATES DISTRICT FOR EASTERN OF TENNESSEE
AT GREENVILLE

JOE PEPPERS and NATASHA PEPPERS,)
as surviving natural parents and)
next of kin of STEWART PEPPERS,)
deceased,)

Plaintiffs,)

v.)

No. _____)

WASHINGTON COUNTY, TENNESSEE,)
SHERIFF ED GRAYBEAL, JR.,)
individually and in his official)
capacity, Lieutenant JASON LOWE,)
in his individual and official)
capacity, Corrections Officer)
MARTIN, in his individual and)
official capacity, Corrections)
Officer DRAPER, in his individual)
and official capacity, Corrections)
Officer CORNETT, in his individual)
and official capacity, Corrections)
Officer GARMIN, in his individual)
and official capacity, and)
Corrections Officer RICHARDS, in)
his individual and official)
capacity,)

Defendants.)

COMPLAINT

Comes now the Plaintiffs, JOE PEPPERS and NATASHA PEPPERS, surviving natural parents and next of kin of STEWART PEPPERS, by and through counsel and sues the Defendants, WASHINGTON COUNTY, Tennessee, and Sheriff Ed Graybeal, Jr., Lieutenant Jason Lowe, Corrections Officers Martin, Draper, Cornett, Garmin, and

Richards, in their individual and official capacity pursuant to 42 U.S.C. § 1983 for the violation of the Plaintiffs' decedent's constitutional rights, and state law claims pursuant to the Tennessee Governmental Tort Liability Act, T.C.A. §29-20-101, et seq., and for their cause of action would show as follows:

I. PARTIES

1. The Plaintiffs, Joe Peppers and Natasha Peppers, are the surviving natural parents and next of kin to Stewart Peppers, who died on April 29, 2013 in Washington County, Tennessee
2. The Defendant, Washington County, Tennessee, is a political subdivision of the State of Tennessee, operates and establishes policy for the Washington County Sheriff's Department and the Washington County Jail. Defendant Washington County, Tennessee is an entity subject to suit pursuant to 42 U.S.C. § 1983 and may be served with process through its Mayor, Daniel Eldridge, Washington County Courthouse, 103 East Main Street, Jonesborough, Tennessee 37659.
3. The Defendant Ed Graybeal, Jr. is the Sheriff of Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Graybeal may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.

4. The Defendant Jason Lowe is a Lieutenant in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Lowe may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.
5. The Defendant Martin is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Martin may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.
6. The Defendant Martin is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Martin may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.
7. The Defendant Draper is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Draper may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.

8. The Defendant Cornett is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Cornett may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.
9. The Defendant Garmin is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Garmin may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.
10. The Defendant Richards is a corrections officer in the corrections division with the Washington County Sheriff's Department in Washington County, Tennessee. He is sued in his official and individual capacities. Defendant Richards may be served with process at 112 West Jackson Blvd., Jonesborough, Tennessee 37659.

II. JURISDICTION AND VENUE

11. This Court has jurisdiction to hear this cause pursuant to 28 U.S.C. § 1331 and 28 U.S.C § 1343 as this action is predicated on the violation of the federal constitutional rights of the Plaintiff. Venue is appropriate pursuant to 28 U.S.C. § 1391. This

Court has jurisdiction over Plaintiff's state claims pursuant to pendent jurisdiction recognized in federal law and in Rule 18 of the Federal Rules of Civil Procedure.

III. FACTS

12. On or about April 26, 2013, Plaintiff's decedent (hereinafter referred to as "Peppers") was arrested and incarcerated at the Washington County, Tennessee jail.
13. Peppers remained in the Washington County Jail for approximately three days. During this time, he was constantly and perpetually in the control of the Washington County Sheriff's Department personnel as a pretrial detainee.
14. On April 29, 2013, Peppers was being housed, alone in a single cell, at which point, Peppers had become incensed and began shouting obscenities at the jail personnel that were present and on duty.
15. At the point that Peppers was shouting obscenities at the jail personnel, Defendant Lowe, accompanied by Defendants Martin, Draper, Cornett, Garmin, and Richards entered the cell occupied by the Peppers and began to beat Peppers.

16. After the initial beating, Peppers was placed in and strapped to a restraint chair that prevented Peppers from being able to move, at which point, Defendant Lowe continued to beat Peppers, by striking him repeatedly in the face with his fists.
17. Over the course of the beating, chemical spray and electrical tasers were implemented and used. The duration of this incident continued for approximately twenty minutes.
18. At the conclusion of the beating, the Defendants laid Peppers on the floor and began to perform CPR that appeared to be unsuccessful. At which point, the Defendants called the Nurse, who in turned called for Emergency Medical Technicians (EMTs).
19. Prior to the arrival of the EMTs, the Defendants gathered together in a "huddle" in an attempt to review the events immediately preceding the call for EMTs. During the Defendants review of the events, laughter was heard coming from the Defendants.
20. Upon information and belief, a video recording of this incident was captured by in house video surveillance system. The aforementioned video is or was in the custody and control of the Defendant

Washington County, Tennessee and may have been seized by the Tennessee Bureau of Investigation during the course of their investigation.

21. Plaintiffs aver that their son died as a result of the injuries inflicted by Defendants Lowe, Martin, Draper, Cornett, Garmin, and Richards. An autopsy on the Plaintiffs' decedent (Peppers) has or is currently being conducted. The results of said autopsy are currently unavailable.

22. Plaintiffs aver that course of conduct engaged in by the individual Defendants, is commonly practiced at the Washington County Jail in that the inmates that are housed at this facility are routinely beaten by corrections officers that work for the Washington County Sheriff's Department.

IV. CAUSES OF ACTION

23. The Defendants violated the Plaintiffs' decedent's (Peppers) clearly established federal constitutional rights as a pretrial detainee through use of excessive force against him that would violate the due process clause of the Fourteenth Amendment that would be analogous to the Eighth Amendment rights of prisoners. Plaintiffs aver that the beating and killing of their son was the proximate cause of his

County, Tennessee ratified the actions of the jail staff regarding excessive force and abusive treatment of Plaintiffs' decedent, and accordingly, incurs § 1983 liability for the same.

26. As a direct result of the unconstitutional conduct of the Defendants, the Plaintiffs' decedent suffered extreme physical pain and suffering, substantial mental anguish and loss of life.
27. Plaintiffs aver that their son was intentionally killed by Defendants Lowe, Martin, Draper, Cornett, Garmin, and Richards either individually or in concert. Plaintiffs respectfully submit and sue the Defendants for the wrongful death of Stewart Peppers, and sue for the damages sustained including but not limited to, medical expenses, reasonable funeral expenses, emotional shock, fright and distress of the deceased, the value of the life of the deceased, and lost consortium of Joe Peppers and Natasha Peppers, surviving natural parents and next of kin of Stewart Peppers.
28. Plaintiffs aver that the Defendants Lowe, Martin, Draper, Cornett, Garmin, and Richards are liable individually or in concert to the Plaintiffs' decedent for common law assault.

injuries, substantial mental anguish, pain and suffering.

24. The Defendant Graybeal violated the Plaintiffs' decedent's clearly established federal constitutional rights by acquiescing to the cruel and unusual treatment of the Plaintiffs' decedent in violation of the due process clause of the Fourteenth Amendment that would be analogous to the Eight Amendment rights of prisoners. Plaintiff avers that Defendant Graybeal implicitly authorized, approved, and knowingly acquiesced in the aforementioned unconstitutional conduct.

25. Plaintiffs further avers that Defendant Washington County, Tennessee is liable to Plaintiffs' decedent in that (1) the policies and/or customs of Washington County, Tennessee was the moving force behind the violation of Plaintiff's federal constitutional rights, (2) Defendant Graybeal is the final policy maker of Washington County, Tennessee relative to use of force by corrections officers in the Washington County Jail, (3) Defendant Washington County, Tennessee was deliberately indifferent to the training of jail staff relative to the use of force and treatment of inmates, and (4) Defendant Washington

WHEREFORE PREMISES CONSIDERED, the Plaintiffs, Joe Peppers and Natasha Peppers, as surviving parents and next of kin of Stewart Peppers, deceased, demands judgment against the Defendants, Washington County, Tennessee, Sheriff Ed Graybeal, Jr., Lieutenant Jason Lowe, Corrections Officer Martin, Corrections Officer Draper, Corrections Officer Cornett, Corrections Officer Garmin, and Corrections Officer Richards, individually and in their official capacities as follows:

1. That Plaintiffs should be awarded on behalf of their deceased son compensatory damages in an amount of Twenty Million Dollars.
2. That Plaintiffs Joe Peppers and Natasha Peppers be awarded Five Hundred Thousand Dollars each for loss consortium.
3. That Plaintiff be awarded punitive damages against the individual Defendants in an amount to be proven at trial.
4. That the Plaintiffs be awarded pre-judgment and post-judgment interest at the highest rate allowable by Tennessee law.
5. That the Plaintiff be awarded his attorney's fees and discretionary costs in this action pursuant to 42 U.S.C. § 1988.

6. That the Court grant any further relief as it may deem appropriate.

7. That Plaintiff demands a jury to try this cause.

Respectfully submitted this 6th day of July 2013.

/s/Patrick L. Looper

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