

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
CIVIL DIVISION

APRIL RASDON, AS SPECIAL ADMINISTRATOR
FOR THE ESTATE OF BROCK TYNER

PLAINTIFF

VS.

CASE NO.

CITY OF JONESBORO; JOSEPH HARRIS AND PAYTON PERKINS,
BOTH INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS
JONESBORO POLICE OFFICERS AND JOHN DOES 1 – 10

DEFENDANTS

COMPLAINT

Comes the Plaintiff, **APRIL RASDON**, by and through counsel, **SUTTER & GILLHAM, P.L.L.C.**; and, for this Complaint, she states:

PARTIES AND JURISDICTION

1. Plaintiff is a resident and citizen of Craighead County, Arkansas, who has been appointed the Special Administrator of the Estate of Brock Tyner, Deceased, (hereinafter “Tyner”). Defendants, **JOSEPH HARRIS** and **PAYTON PERKINS** are sued individually and in their official capacities as Police Officers for the City of Jonesboro. Defendant, **CITY OF JONESBORO**, is a public entity organized and existing under the laws of the State of Arkansas.

2. This is an action brought for violation of Tyner’s State Constitutional Rights, as allowed under the Arkansas Civil Rights Act of 1993; and, wrongful death.

3. Since the acts giving rise to this action arose in this County, venue is proper. This Court has subject matter jurisdiction. All actions were taken under color of law. No federal claims are brought.

GENERAL ALLEGATIONS OF FACT

4. Defendants were dispatched at 10:59 PM on Friday, May 3, to the 1000-block of South Gee Street in reference to a crisis intervention call. Defendant, Officer Joseph Harris, (hereinafter “Harris”), wrote in his report that he immediately recognized Tyner from numerous previous encounters.

5. Harris documented in his report, “While walking up, [Tyner] would flail his arms around and start punching the sidewalk,” Harris wrote. “[Tyner] was also speaking extremely rapid but incoherent while I was observing him.”

6. Defendant, Officer Payton Perkins, (hereinafter “Perkins”), was also on the scene and attempted to talk to Tyner. Harris’ report says that Tyner said he needed help and begged the Defendants to put handcuffs on him.

7. While being walked to the squad car, Tyner told the Defendants he had taken “PCP” and that he will “never fu*king do drugs again!”

8. Harris then transported Tyner directly to Craighead County Detention Center.

9. Harris’ report says during the transport, Tyner was banging his head against the back seat, the window, and the cage. Tyner was kicking the cage as well, the report says, while yelling “Please help me!” and “I’ll never do drugs again!”

10. Once Defendants arrived at the jail with Tyner, they noticed his mouth coated in a layer of blood. He was also missing several teeth. Officers were not certain if this was the cause of the blood. It took three (3) jailers to book Tyner due to his erratic behavior, the report says, but John Doe 1 booked Harris into the jail anyway.

11. Harris knew that Plaintiff was a danger to himself and others. He also knew, or should have known, that the jail could not.

12. Tyner then died.
13. Had Defendants transported Tyner to the emergency room, he would not have died.
14. Before his death, Tyner suffered severe mental and emotional distress. As a result of his death, Plaintiff seeks hedonic damages and loss of enjoyment of life, as well as all damages allowed under the Arkansas Wrongful Death Act.

COUNT I

15. Plaintiff realleges the foregoing as if more fully set out herein.
16. Tyner had a clearly established right to appropriate medical care under the Arkansas Constitution.
17. The City failed to properly train Defendants and has implemented illegal policies and procedures.
18. Defendants' conduct was a result of the City's failure to train its officers on the proper course of action to take when confronted with person suffering like Tyner did.
19. As a direct and proximate cause of Defendants' intentional actions, Tyner died, and Plaintiff, and the wrongful death beneficiaries, have suffered severe mental and emotional distress, lost work, incurred medical expenses, and incurred other expenses in an amount to be proven at trial.
20. The individual Defendants should be held liable for punitive damages under state law, since the Defendants acted with deliberate indifference to Plaintiff's State Constitutional rights.
21. The Defendants should be liable for individual and punitive damages in their individual and official capacities under State law.

COUNT II

22. Plaintiff realleges the foregoing as if more fully set out herein.
23. Tyner was severely mentally ill and was substantially limited in his ability to think and concentrate.
24. Tyner had a clearly established right to be from disability discrimination under the Arkansas Constitution and the Arkansas Civil Rights Act.
25. The City failed to properly train Defendants and has implemented illegal policies and procedures on how to arrest and transport persons with disabilities like Tyner.
26. Defendants' conduct was a result of the City's failure to train its officers on the proper course of action to take when confronted with person with a disability suffering like Tyner did.
27. As a direct and proximate cause of Defendants' intentional actions, Tyner died, and Plaintiff and the wrongful death beneficiaries have each suffered severe mental and emotional distress, lost work, incurred medical expenses, and incurred other expenses in an amount to be proven at trial.
28. The individual Defendants should be held liable for punitive damages under State law, since the Defendants acted with deliberate indifference to Plaintiff's State Constitutional rights.
29. The Defendants should be liable for individual and punitive damages in their individual and official capacities under State law.

JURY DEMAND

30. Plaintiff demands a trial by jury.

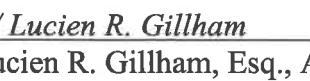
WHEREFORE, Plaintiff, **APRIL RASDON**, prays for appropriate compensatory and punitive damages exceeding \$1,000,000.00; for a reasonable attorneys' fees; for costs; a trial by jury; and, for all other proper relief.

Respectfully submitted,

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