

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

JUN 26 2024

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

TAMMY H. DOWNS, CLERK  
By:  DEP CLERK  
PLAINTIFF

JACKIE SANDERS

VS.

CASE NO. 3:24-cv-112-BSM

REVIS KEMPER, in his Individual and Official  
Capacity as Fire Chief, JAY PAUL WOODS, in his  
Individual and Official Capacity as the Mayor;  
JOHN REDMAN, in his Individual and Official  
Capacity as Police Chief, LENNY BECKER, in  
his Individual and Official Capacity as Police  
Operations Commander; TAMMIE SLINKARD  
and LINDA SMITH, in their Individual and Official  
Capacities as Members of the City Council; and,  
THE CITY OF TRUMANN

This case assigned to District Judge Miller  
and to Magistrate Judge Harris

DEFENDANTS

**COMPLAINT**

COMES NOW THE PLAINTIFF, JACKIE SANDERS, by and through counsel,  
SUTTER & GILLHAM, P.L.L.C.; and, for this Complaint, he states:

1. Plaintiff, Jackie Sanders, is a citizen and resident of Trumann, Arkansas, Poinsett County; and, has been at all relevant times.
2. Defendant, City of Trumann, is a Municipal Corporation operating in Poinsett County, Arkansas. Defendant, Jay Paul Woods, is now, and was, the Mayor for Trumann, when the violations complained of occurred. He is an elected official and is the Chief. Defendant, John Redman, is the Police Chief for the City of Trumann and reports directly to the Mayor. Defendant, Lenny Becker, is Police Operations Commander. Defendant, Revis Kemper, is the Fire Chief for the City and reports directly to the Mayor. Defendant, Tammie Slinkard, is on the City Council and is an elected official, and is on the Committee relating to police affairs. Defendant, Linda Smith, was on the City Council as an elected official during the relevant time period.

3. This is an action for violation of Plaintiff's constitutional rights to free speech, freedom of the press, freedom of association, right to petition, right the privacy of his papers, documents, and right to due process under the Arkansas and U.S. Constitutions, and his right to remonstrance under the Arkansas Constitution, as well as torts of invasion of privacy, disclosure, abuse of process, and malicious prosecution.

4. There is personal jurisdiction over these claims as they occurred in, and were committed by, people in this District and venue is also appropriate. There is Federal Question jurisdiction, and supplemental jurisdiction over the State law claims. The amount sought exceeds that required for diversity jurisdiction.

### **FACTS**

5. Plaintiff has lived in Trumann for most of his life, though he lived elsewhere during his military service.

6. Plaintiff operated a parody page called the The City of Trumann, Arkansas. The page states that "This page has been created to keep up with the ongoing events in and around Trumann, AR. This page is "Just for Fun." It was commonly known as the troll page or the "just for fun" page.

7. It was read by local people who are citizens in or near Trumann.

8. It would discuss current events regarding the City of government, such as shutting off water without notice and then charging reconnect fees, and the failure to resurface tennis courts as promised.

9. Eventually, people started contacting the page when they were having trouble with City government, such as they were not getting trash pickup. Plaintiff, or someone using his page,

would then post about it in a way that was funny, so that it got paid attention to and transmitted among more people, that the city would actually take action to correct it. An example is:



10. His page reached over 100,000. His Facebook page had more views than the actual City government's page.

11. At some point, the City had disabled the ability of people to make comments about the government, or anything, on their Facebook page. Accordingly, Plaintiff's page, along with others, became a forum where people could comment about the operations of City government.

12. One ongoing issue was the fire department. A tornado struck down and destroyed the main building for the department in 2021. It was a \$4,000,000 rebuild cost, but the City had only insured it for \$1,000,000. The page criticized the City.

13. The Fire Department was put into a shop in the industrial park, which is not designed as a full time Fire Department, with firefighters being housed in FEMA trailers.

14. Meanwhile, Chief Kemper, got a new Jeep as a Fire Department vehicle. The page criticized this; and, was a forum for such criticisms throughout the town. The vehicle was regarded as useless to the department, meanwhile it did not even have an appropriate building.

15. In October 2022, Chief Kemper got in a fistfight in an area open to the public with his neighbors. The victim's son was across the road videoing it. He posted it on the internet and Plaintiff then reposted it on his Facebook page.

16. Defendants, Lenny Becker and John Redman, then went to the neighbors and intimidated them so that they would not file charges.

17. Defendant, Heather Shrader, who ran the "Citizens for a Better Trumann" page actually helped the victims by getting Affidavits from them and getting them to the PD and prosecutor. The PD actively discouraged her and refused the affidavits. They accused her of falsifying the Affidavits. They told the Fire Chief she was spreading false information about him.

18. Defendants believed that Shrader ran the Plaintiff's page or was associated with it.

19. At this point, local TV stations knew about this page, and so when this appeared, it also made the TV news as a result.

20. During 2023, an election occurred for Mayor, and the Fire Chief's criminal proceedings played out. He was originally convicted in district court. He filed an appeal to Circuit Court. The Prosecutor nolle prossed it on the condition that the Fire Chief write an apology letter.

21. In around February 2023, the Fire Chief appeared at a City Council meeting and he claimed that he was being harassed by Plaintiff's page and another Facebook that was believed to be associated with Plaintiff's page. The Fire Chief said that he considered this an attack on his character and he expected a response from the City and that he thinks they should attack this ferociously, and he wanted a response from the City Attorney against the pages.

22. Multiple council members, including Defendants, Smith and Slinkhard, verbalized that they would like to see something done too.

23. Then in February 2023, two (2) days after the City Council meeting, Defendant, Captain Becker, at the direction of the Mayor, Chief of Police, Fire Chief, and the city council, signed an Affidavit for search Warrants that were false. Becker's Affidavit was based in part on Kemper's Affidavit, which he had solicited, and Becker knew Kemper's Affidavit contained mostly false, irrelevant, speculation, and hearsay that would not cause a reasonable person to suspect a crime had been committed, and knew that it contained information indicating a motive to retaliate for exercising free speech, petition, and remonstrance rights on its face.

24. Part of their purpose, which is documented, was expressly to find out who was running the Just for Fun page, and who was making comments against the administration or providing information against the administration for the Mayor, Fire Chief, and City Council.

25. Specifically, Plaintiff was accused of violating Ark. Code Ann. 5-71-208. This was false in that there was no evidence that Plaintiff had violated any provision; and, in fact, Defendant, Captain Becker, failed to cite to a single instance where any person of reasonable caution could believe that statute was violated.

26. Moreover, Defendant Becker, put in the application for search Warrant that this was an investigation of child pornography and a death investigation that was suspected to be a homicide. Plaintiff was never involved in anything like this; and, Becker, only cited the harassment statute, and he cited no specific facts. That is because there were none.

27. The search Warrant allowed Defendant(s) to get private communications not disclosed to the public, and private information such as full names, user id #s, birthdates, gender, contact emails, physical addresses, telephone numbers, screen names, websites, Facebook advertising ID, location data, cell phone calls/locations, activity logs showing user posts, all photos

and videos, profile information, credit card and bank account numbers, financial information, and contracts.

28. This Warrant was obtained by phone, even though it was around twenty (20) pages long and there were no exigent circumstances.

29. The Warrant required Facebook, and the other internet providers, to keep this secret from Plaintiff, and other victims of the search Warrants for ninety (90) days, and one (1) year in subsequent Warrants also fraudulently obtained.

30. Although the search Warrant obtained information, a return was never given to the Plaintiff or any other victim of the warrant by Defendants.

31. Plaintiff only found out about this search because he and other persons whose accounts had been violated received a notification from Facebook of the search.

32. Soon after this, the Fire Chief's personal attorney sent a Cease and Desist Letter to at least some of the persons whose accounts had been searched, threatening litigation.

33. Defendants had allowed persons who had no need to know, who had no law enforcement status, this confidential information. This was done with the knowledge, permission, and participation of the Mayor, Police Chief, the Captain, and the City Council. The Fire Chief and his lawyer were two (2) of the persons to whom these materials were released. The files were reviewed on computers, yet Plaintiff did not even know this was out there.

34. Defendant, Kemper, filled out a false Affidavit in the Warrant process that was used to support the search Warrant.

35. Defendant, Kemper, claimed that a forged Affidavit was made out against him, it was not forged.

36. Defendant, Kemper, falsely claimed that the just for fun page requested that citizens photograph his private property.

37. Defendant, Kemper's, Affidavit mentions activities, that even if they were correctly attributed to the Just For Fun page, would be protected free speech, such as parody cartoons or videos, or making accusations regarding his inappropriate use of city property.

38. Defendant, Kemper, falsely accused the Just for Fun page of harassing him and of having CJ Laire follow him around. Defendant, Kemper, falsely claimed someone showed up and blocked his wife at the Orders of the Just for Fun page.

39. Most of Defendant, Kemper's, Affidavit consists of speculation and hearsay, and contains long allegations entirely unconnected to Plaintiff, the Just for Fun page, or even Heather Shrader.

40. The City Council has conducted a secret, unpublished meeting of itself, the Mayor, the Police Chief, Defendant Kemper, in an attempt to rope the local prosecutors into actually bringing criminal charges against Plaintiff, and others, based on the materials it got from the warrant.

41. This was all the result of a policy or custom as evidenced by the direct participation of the Mayor and City Council, as well as department heads, and as evidenced by the widespread, pervasive nature of these violations, which extended over a period of at least ten (10) months, involved numerous members of the City, and was generally known to the public when they started being allowed to review the materials.

42. The purpose of this criminal proceeding was not to investigate any actual crime of murder, child abuse, stalking, harassment or anything else, because nothing like that had happened.

Rather, it was to find out who ran the “Just for Fun” page, find out who was posting on it, and deter, stop, and chill the free speech, association, and petition activities happening on it.

43. The Mayor has stated that one of his accomplishments was to shut down all the talk on Facebook.

44. Additionally, Defendants were warned by lawyers that this was likely a violation of constitutionnel rights and was retaliatory, but proceeded anyway.

### **COUNT I**

45. Plaintiff realleges the foregoing as if fully stated herein.

46. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed the tort of conversion - in other words theft - because that is what they are, a pack of petty, base, disgusting thieves. They took electronic information that Plaintiff was the owner of and used and exercised control over it by keeping it, not disclosing their taking of it, and showing it to numerous others who had no need to know as part of a criminal investigation.

47. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstratation rights.

48. This conduct has been intentional, willful, reckless, knowing and malicious violation of Plaintiff’s rights and the law, meriting an award of punitive damages.

### **COUNT II**

49. Plaintiff realleges the foregoing as if fully stated herein.

50. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed abuse of process. They instituted criminal

charges for the purpose of retaliation for the exercise of speech, petition, and remonstrance rights, and of finding out who ran the just for fun page and who commented on it. Process was misused in multiple ways, including the filing of false affidavits, failing to produce the returns to Plaintiff, disclosure of the confidential materials to the Fire Chief, members of the administration with no need to know, and members of the general public, and Defendant, Kemper, having his attorney threaten litigation and sending cease and desist letters to Plaintiff.

51. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrance rights.

52. This conduct has been intentional, willful, reckless, knowing and malicious violation of plaintiff's rights and the law, meriting an award of punitive damages.

### **COUNT III**

53. Plaintiff realleges the foregoing as if fully stated herein.

54. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed malicious prosecution. The criminal investigation, search Warrant and Order constituted an official proceeding. There was no probable cause to believe a crime was committed because the allegations in the affidavits were either false, or related to different people, or related to activity that was clearly protected under the First Amendment. The proceeding terminated in Plaintiff's favor when the prosecutors refused to bring actual charges and prosecute the case. The improper motive was retaliation of the exercise of constitutional rights and to find out confidential information to use to intimidate others from further speech.

55. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrance rights.

56. This conduct has been intentional, willful, reckless, knowing and malicious violation of Plaintiff's rights and the law, meriting an award of punitive damages.

#### **COUNT IV**

57. Plaintiff realleges the foregoing as if fully stated herein.

58. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed the invasion of privacy torts by unreasonably intruding upon his privacy and giving unreasonable publicity to his private life. Defendants knew there was no basis for their actions and that they lacked the necessary legal authority to invade Plaintiff's confidential information.

59. This behavior is highly offensive and a reasonable person would object to it. They then made public disclosures of illegally obtained facts that were not known to the public, and a reasonable person would find these disclosures to be highly offensive. These private facts were not of legitimate public concern.

60. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrance rights.

61. This conduct has been intentional, willful, reckless, knowing and malicious violation of plaintiff's rights and the law, meriting an award of punitive damages.

#### **COUNT V**

62. Plaintiff realleges the foregoing as if fully stated herein.

63. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed an unreasonable and unlawful search and seizure of his private papers and effects, in violation of his Constitutionnel rights under the U.S. and Arkansas Constitutions, and 42 U.S.C. 1983 and ACRA section 16-123-105. The Warrants were obtained by making false statements of material fact and omitting material facts that would have caused the judge not to issue the warrant. Without these misstatements, there would not have been probable cause.

64. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrations rights.

65. This conduct has been intentional, willful, reckless, knowing and malicious violation of plaintiff's rights and the law, meriting an award of punitive damages.

#### **COUNT VI**

66. Plaintiff realleges the foregoing as if fully stated herein.

67. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed a retaliatory search, seizure, and disclosure, for his exercise and perceived exercise of speech, petition, association, and remonstrations rights, under the U.S. and Arkansas Constitutions, and 42 U.S.C. 1983 and ACRA section 16-123-105.

68. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrations rights.

69. This conduct has been in intentional, willful, reckless, knowing and malicious violation of plaintiff's rights and the law, meriting an award of punitive damages.

**COUNT VII**

70. Plaintiff realleges the foregoing as if fully stated herein.

71. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed a retaliatory search, seizure, and disclosure, for his exercise and perceived exercise of speech, petition, association, and remonstrance rights, under the U.S. and Arkansas Constitutions, and 42 U.S.C. 1983 and ACRA section 16-123-105.

72. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrance rights.

73. This conduct has been intentional, willful, reckless, knowing and malicious violation of Plaintiff's rights and the law, meriting an award of punitive damages.

**COUNT VIII**

74. Plaintiff realleges the foregoing as if fully stated herein.

75. By virtue of the facts alleged herein, Defendants, either directly, or in conspiracy with those conducting the actions, have committed felony-tort, by intentionally accessing or causing to be accessed a computer, computer system, or network, for the purpose of devising and executing a scheme to extort plaintiff, and to obtain the property of plaintiff with fraudulent intent and representations. See Ark. Code Ann. 5-41-103. This action is also brought pursuant to Ark. Code Ann. 5-41-106.

76. By virtue of the facts alleged herein, Defendants have caused Plaintiff to endure mental, emotional, and physical suffering, fear arrest, fear going to certain areas of town, and chilled his exercise of speech, petition, association, and remonstrance rights.

77. This conduct has been in intentional, willful, reckless, knowing and malicious violation of Plaintiff's rights and the law, meriting an award of punitive damages.

**PRAYER**

**WHEREFORE**, Plaintiff, **JACKIE SANDERS**, prays for the following relief. compensatory and punitive damages in an amount exceeding that required for diversity jurisdiction, a public apology, posting of this lawsuit verdict at city hall, reading of this lawsuit and verdict at any city council meeting, training for all members of government, allowing plaintiff to speak at any city council meeting, a list of all persons receiving or viewing any materials obtained through this illegal search and seizure, creation of policies and procedures governing searches and seizures and access to information obtained by them, destruction of all materials kept by the city or any defendant, a notice going out to all third parties indicating these materials were illegally obtained and distributed, and that those third parties should destroy and not use such materials, and will themselves be in legal jeopardy if they do, reasonable fees and costs, declaratory relief that plaintiff's rights were violated, injunctive relief restraining any further searches, seizures, or distributions of this information, a jury trial on all issues so triable, and any other appropriate relief.

Respectfully Submitted,

**SUTTER & GILLHAM, P.L.L.C.**

1501 N. Pierce, Ste. 105

Little Rock, AR 72207

501-315-1910 - Office

501-315-1916 - Facsimile

By: /s/ Lucien Gillham

Lucien R. Gillham, Esq., ARBN 99199

[Lucien.gillham@gmail.com](mailto:Lucien.gillham@gmail.com)

By: /s/ Luther Sutter

Luther Sutter, Esq., ARBN 95031

[Luther.sutterlaw@gmail.com](mailto:Luther.sutterlaw@gmail.com)