

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
COVINGTON DIVISION  
CIVIL ACTION NO.  
ELECTRONICALLY FILED

JAMES DILLON DAWSON

PLAINTIFF

VS.

COMPLAINT

JOHN DORMAN, Individually  
and in his Official Capacity as  
a Ludlow City Police Officer

and

A. WAYNE TURNER, Individually  
and in his Official Capacity as  
Ludlow City Chief of Police

and

BENNY JOHNSON, Individually  
and in his Official Capacity as  
Ludlow Assistant Police Chief

DEFENDANTS

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Comes the Plaintiff, James Dillon Dawson, by and through counsel, and for his complaint states as follows:

1. The Plaintiff states that he was indicted by the Kenton County grand jury on charges of First Degree Robbery on December 3, 2009. See Commonwealth of Kentucky vs. James Dillon Dawson, 09-CR-00781-001.

2. The Defendants, Dorman, Johnson, and Turner during all relevant times described in this complaint were employed as City Police Officers with the City of Ludlow and acted under

color of state law.

3. The Plaintiff contends that his civil rights pursuant 42 U.S.C. 1983 and the Fourth, Eight, and Fourteenth Amendments, and state law claims were violated by the Defendants actions subsequently described in this complaint .

4. The Plaintiff alleges that all of the Defendants conduct occurred in or near the City of Ludlow, Kentucky.

5. The Plaintiff alleges that other unknown agents of the City of Ludlow may have participated in the wrongful acts described in the complaint, and reserves the right to join them as this litigation proceeds.

6. The Plaintiff alleges that he was arrested on September 28, 2009, for the charge of Robbery in the 1<sup>st</sup> degree, and that as a result he was incarcerated until April 15, 2010. All charges against the Plaintiff were dismissed on June 9, 2010, by the Kenton Circuit Court.

7. During August of 2009, the residence of Richard and Eva Morrow was entered by an unknown individual, who while armed with a weapon took approximately \$20,000.00 in cash from a shoe box which was left in the Morrow residence. As will be subsequently described in this pleading, the Defendant Dorman was assigned to the investigation of the home invasion at the Morrow residence.

8. The Defendant Dorman during October or November of 2009, testified in front of the Kenton County Grand Jury. During his sworn testimony, the Defendant Dorman falsely advised the grand jury that the shoe box found in the Morrow residence was found by the crime lab to have contained the fingerprints of the Plaintiff. The only evidence linking the Plaintiff to the Morrow home invasion was the false fingerprint information submitted by the Defendant Dorman.

In fact, the Defendant Dorman knew at the time he offered this false testimony, that the fingerprints he had submitted to the laboratory, were not from the shoe box found in the Morrow residence.

9. The Plaintiff alleges that the Defendant Dorman intentionally and/or with reckless disregard of the rights of the Plaintiff falsely submitted a fingerprint exemplar identifying the Plaintiff as the primary basis for securing the arrest and indictment of the Plaintiff. During all relevant times, the Defendant Dorman knew or acted in reckless disregard of the facts when he misrepresented the source of fingerprints he collected which resulted in the Plaintiff being arrested and indicted. The fingerprints in question according to a fingerprint submission form falsely allege that fingerprints were lifted from a shoe box which contained \$20,000.00 in cash and was found in the Morrow residence.

10. The Plaintiff further alleges that the Defendant Dorman knowingly substituted fingerprints taken from a Dr. Pepper can located at the Plaintiff's residence and substituted them for fingerprints allegedly taken from the shoe box found in the Morrow's residence.

11. On or about August 24, 2009, the Defendant Dorman submitted an "AFIS Submission Form" regarding a home invasion of the evidence of "Eva and Richard Morrow." According to the submission form there were "6 fingerprint cards lifted from the shoe box which contained \$20,000.00 in cash," related to the Morrows' home invasion. In fact, the Defendant Dorman substituted fingerprint cards taken from the Plaintiff's residence, with the intent to cause the Plaintiff to be falsely linked to Morrow home invasion. As a result of the Defendant(s) action(s), the Plaintiff was charged with First Degree Robbery and incarcerated for his role in the First Degree Robbery of Eva or Richard Morrow.

12. The Plaintiff alleges that his fingerprints were never on the shoe box. The Plaintiff

further alleges that he had no involvement in the home invasion of the residence of Eva Morrow and Richard Morrow.

13. As a result of the Defendant's wrongful actions, the Plaintiff was wrongfully arrested, seized, indicted, and incarcerated for a period of approximately nine months.

14. The Plaintiff alleges that the Defendants Johnson and Turner and unknown agents of the Defendants City of Ludlow negligently hired, retained, and supervised the Defendant Dorman even though they had substantial knowledge that he had engaged in deceptive and misleading conduct in the recent past. Specifically, the Plaintiff alleges that the Defendants Johnson and Turner knew that the Defendant Dorman had engaged in official misconduct on at least two prior occasions with his prior employer(s), and that he had a policy of acting in reckless disregard of the rights of the citizens.

15. The Defendants A. Wayne Turner and Benny Johnson at all relevant times were the Supervisor(s) of the Defendant Dorman, who was responsible for the monitoring or supervision of the Defendant Dorman. The Defendants Turner and Johnson were aware that prior to and during the detention of the Plaintiff, that the Defendant Dorman had engaged in other deceitful conduct, that were similar in nature to the fraudulent misrepresentations that Dorman engaged in causing the Plaintiff to be wrongfully incarcerated. Specifically, the Defendants Turner and Johnson were aware of, and participated in other disciplinary actions against the Defendant Dorman that occurred before and after the Defendant Dorman was hired as a Ludlow City Policy Officer.

16 The Defendant Turner and Johnson were deliberately indifferent to the rights of the Plaintiff, in that he failed to take appropriate actions in supervising the Defendant Dorman, all of which played a substantial factor in causing the Plaintiff to be wrongfully incarcerated.

The Plaintiff thus alleges state law claims of negligent hiring and supervision as to the Defendants Turner and Johnson.

17. The Defendants Turner and Johnson also knew or should have known and acted in reckless disregard of the Plaintiff's rights in that they caused the Plaintiff to be incarcerated by failing to act in a prompt and reasonable manner when they knew or should have know that the Plaintiff had been incarcerated on a false basis. As a result of the Defendants' actions, the Plaintiff suffered humiliation, emotional distress, and suffering due to his incarceration.

18. The Plaintiff also seeks punitive damages against all of the Defendants based on their intentional and/or careless conduct that was in reckless disregard of the Plaintiff's rights, as previously described in this complaint.

WHEREFORE, the Plaintiff seeks relief as follows:

1. Judgment against the Defendants.
2. Compensation for the Plaintiff's suffering, emotional distress, and humiliation.
3. Punitive damages against Defendant Dorman in the amount of \$9,000,000.00. Punitive damages in the amount of \$3,000,000.00 for Defendants Turner and Johnson.
4. Attorney fees pursuant to 42 U.S.C. 1988.
5. Trial by jury.
6. Any and all other relief deemed appropriate.

RESPECTFULLY SUBMITTED,

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