

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

ARKELA LEWIS, Individually, ARKELA LEWIS, on behalf of the Wrongful Death Beneficiaries of JAYLEN LEWIS, Deceased, and ARKELA LEWIS, as Administratrix of the Estate of JAYLEN LEWIS, Deceased)	
)	CASE NO.: 3:25-cv-721-KHJ-MTP
Plaintiff,)	
)	JUDGE:
v.)	
)	<u>COMPLAINT</u>
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY; MISSISSIPPI CAPITOL POLICE DEPARTMENT; STEVEN R. FREDERICK, JR.;MICHAEL L. RHINEWALT; WESLEY LUCKEY; JOHN DOES NOS. 1-10)	(Jury Demand Endorsed Hereon)

Defendants.

Plaintiffs Arkela Lewis, Individually, Arkela Lewis, for and on behalf of the Wrongful Death Beneficiaries of Jaylen Lewis, Deceased, and Arkela Lewis, as Administratrix of the Estate of Jaylen Lewis, Deceased (collectively “Plaintiffs”), by and through undersigned counsel, brings this Complaint against Defendants Mississippi Department of Public Safety, Mississippi Capital Police Department, Steven R. Frederick, Jr., Michael L. Rhinewalt, Wesley Luckey, and John Does Nos. 1-10 (collectively, “Defendants”), and makes the following allegations upon personal knowledge as to Plaintiffs’ own acts, upon information and belief, and Plaintiffs’ attorneys’ investigation as to all other matters, and states as follows:

I. INTRODUCTION

1. This action arises out of the tragic and senseless shooting death of Jaylen Lewis, an unarmed 25-year-old Black man, who was fatally shot in the head by officers of the Mississippi Capital Police Department during what was reported as a routine traffic stop.

2. Plaintiffs allege, without limitation, that Defendants Steven Frederick, Jr. and Michael Rhinewalt used excessive force when they fatally shot Jaylen Lewis without justification on September 25, 2022, in Jackson, Mississippi.

3. Plaintiffs further allege, without limitation, that Defendant Wesley Luckey knew or reasonably should have known of, participated in, endorsed, condoned, and/or ratified the unconstitutional conduct of his subordinates, Defendants Steven Frederick, Jr. and Michael Rhinewalt.

4. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 for the deprivation of the decedent, Jaylen Lewis', clearly established rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution.

5. Plaintiffs also bring this action pursuant to *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978), and its progeny.

II. JURISDICTION AND VENUE

6. This Court has federal question subject matter jurisdiction, pursuant to 28 U.S.C. §§ 1331 and 1343, as this action is brought, pursuant to 42 U.S.C. § 1983, to redress a deprivation of constitutional rights as set forth herein.

7. Venue is proper in this Court under 28 U.S.C. § 1391 because all incidents, events, and occurrences giving rise to this action occurred in the jurisdiction of the United States District Court for the Southern District of Mississippi and, upon information and belief, all parties reside in this judicial district.

III. PARTIES

A. Plaintiffs

8. At all times relevant herein, Plaintiff Arkela Lewis was the mother of Jaylen Lewis,

Deceased, and a resident of Sandy Springs, Georgia.

9. At all times relevant herein, Jaylen Lewis (hereinafter “Jaylen” or Decedent”), who wrongfully died on or about September 25, 2022, in Hinds County, Mississippi, possessed claims for personal injuries and damages, which survived his death.

10. That the minor children of the Decedent, namely, B.C., A.J. and Z.B., are wrongful death beneficiaries of Jaylen Lewis and have been adjudicated the same by the Chancery Court of Jackson County, Mississippi on August 8, 2025, in Jackson County Chancery Court Cause Number 25-0986-DNH, and are entitled to bring this action for wrongful death pursuant to Miss. Code. Ann. § 11-7-13 (Miss. 1972, as amended).

11. That Arkela Lewis is the Administratrix of the Estate of Jaylen Lewis, having been appointed by the Chancery Court of Jackson County, Mississippi on August 8, 2025, in Jackson County Chancery Court Cause Number 25-0986-DNH, and is entitled to bring this survival action on behalf of the Estate for the personal action which Decedent possessed at the time of his death, pursuant to Miss. Code. Ann. § 91-7-233 (Miss. 1972, as amended).

B. Defendants

12. Defendant Mississippi Department of Public Safety, (hereinafter “MDPS”) is a department of the State of Mississippi that trains a team of officers specially trained to respond to critical incidents. MDPS can be served with process to Sean Tindell, the Commissioner at 1900 E. Woodrow Wilson Avenue, Jackson, MS 39216.

13. Defendant Mississippi Capital Police (hereinafter “Capitol Police”) is a patrol division that provides law enforcement and security services to the Capitol Building and throughout the Capitol Complex District. Capitol Police can be served with process to Capitol Police Chief Bo Luckey at 501 North West Street, Jackson, MS 39201.

14. At all times relevant herein, Defendant(s) MDPS and/or Capital Police employed all individual Defendants identified herein.

15. At all times relevant herein, Defendant Michael Rhinewalt was employed as Mississippi Capital Police Officer for Defendants Mississippi Department of Public Safety and/or Mississippi Capital Police and acted under color of state law.

16. At all times relevant herein, Defendant Steven Frederick, Jr. was employed as Mississippi Capital Police Officer for Defendants Mississippi Department of Public Safety and/or Mississippi Capital Police and acted under color of state law.

17. Redress is being sought from all Defendants in their official and individual capacities, and all Defendants were acting under and/or outside of color of law and/or pursuant to the policies, customs, and/or usages of MDPS and/or Capital Police.

18. At all times relevant hereto, Defendant Wesley Luckey was employed by Defendant(s) MDPS and/or Capital Police as the Chief of Police of Capital Police. As the Chief of Police, Defendant Luckey has final policymaking authority.

19. At all times relevant herein, Defendant(s) John Doe Nos. 1-10, whose names and addresses are unknown despite the exercise of reasonable diligence, are believed to be police officers, supervisors, commanders, and/or other administrative, police department, or City employees of Defendant(s) MDPS and/or Capital Police whose identities or involvement in the events giving rise to the claims asserted herein cannot be ascertained and/or discovered by Plaintiff at the present time, but whom, through conducting discovery, may become known as being persons properly included as Defendants in this matter.

IV. STATEMENT OF FACTS

20. All preceding paragraphs are incorporated as if fully re-written herein.

21. The misconduct of Defendants occurred on or about September 25, 2022.

22. The misconduct of Defendants MDPS and/or Capital Police has been systemic and on-going for many years prior to and through September 25, 2022.

23. On September 25, 2022, Defendants Rhinewalt and Frederick are members of Capitol Police's crime suppression unit, called "Flex."

24. On the same day, at around 9:00pm, Defendants Rhinewalt and Frederick are conducting a drug narcotics operation.

25. At or around the same time, Defendants Rhinewalt and Frederick, along with other Capital Police Department officers, observe a white Jeep Cherokee turn North on N. West Street in Jackson, Mississippi.

26. The white Jeep Cherokee is driven by Jaylen, who also has a female passenger in the front passenger seat.

27. At or around the same time, Defendants Rhinewalt and Frederick, along with other Capital Police Department officers, observe the white Jeep Cherokee drive through a red traffic light at Stonewall Street in Jackson, Mississippi.

28. At or around the same time, Defendants Rhinewalt and Frederick, along with other Capital Police Department officers, conduct a "routine traffic stop," on the white Jeep Cherokee by turning on their police lights.

29. Upon seeing the police lights, Jaylen pulls the white Jeep Cherokee to the side of the road.

30. With one police cruiser positioned behind the white Jeep Cherokee, Defendants Frederick and Rhinewalt drive their police cruiser around the right side of the vehicle to block it from going forward.

31. Upon positioning their police cruiser around the right side of the vehicle, Defendants Frederick and Rhinewalt exit their police cruiser and approach the white Jeep Cherokee on foot.

32. Upon approaching the drivers' side of the white jeep Cherokee, Defendants Frederick and Rhinewalt observe Jaylen and the female passenger in the vehicle.

33. At or around the same time, Jaylen reverses the white Jeep Cherokee and bumps into the front of the police cruiser that is positioned behind the vehicle.

34. Upon information and belief, after bumping into the front of the police cruiser, Jaylen does not brandish a weapon, reach for a weapon, make any violent gestures, threaten anyone, or take any other actions that could be reasonably perceived as endangering officers or others.

35. Upon information and belief, neither Defendant Frederick, Defendant Rhinewalt, nor any other officer observe Jaylen or the passenger of the vehicle brandish a weapon, reach for a weapon, make any violent gestures, threaten anyone, or otherwise take any actions that could reasonably be perceived as endangering officers or others.

36. Despite not observing any conduct that could reasonably be perceived as endangering officers or others, Defendant(s) Frederick and/or Rhinewalt draw their guns and open fire into the white Jeep Cherokee, shooting Jaylen in the head, killing him.

37. As a result of this incident, Defendants Frederick and Rhinewalt are indicted for Manslaughter by a Hines County grand jury.

38. In the indictment, the Hines County grand jury find that Defendants Frederick and Rhinewalt "willfully, unlawfully, and feloniously . . ." shot and killed Jaylen. The Hines County grand jury further find that Defendants Frederick and Rhinewalt's belief that the deadly force used

against Jaylen was necessary to protect themselves from great bodily death or harm “was not a reasonable belief under the circumstances, in direct violation of Section 97-3-35, Mississippi Code 1972.”

39. This incident is not the first unreasonable use of deadly force by Defendant Rhinewalt. Just weeks before this incident, Defendant Rhinewalt, on August 14, 2022, fired multiple rounds into the vehicle of a compliant motorist, striking the passenger of the motorist’s vehicle in the head. Defendant Rhinewalt was indicted by a federal grand jury for this incident, as well, and currently faces a civil lawsuit for these actions. See *Harris. v. Mississippi Department of Public Safety, et al.*, No. 23-cv-03159-KHJ-MTP (S.D. Mississippi).

V. CLAIMS ALLEGED

COUNT I

**42 U.S.C. § 1983 – Excessive Force
(Against Defendants Frederick and Rhinewalt)**

40. All preceding paragraphs are incorporated as if fully re-written herein.

41. This claim is brought pursuant to Title 42 U.S.C. § 1983.

42. Title 42 U.S.C. §1983 states, in relevant part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. . . .”

43. The Fourth Amendment to the United States Constitution states, in relevant part, “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . .”

44. For decades, United States Supreme Court has interpreted the Fourth Amendment to the United States Constitution to prohibit a police officer's use of excessive force during the arrest of an unarmed, fleeing citizen. *See, e.g., Tennessee v. Garner*, 471 U.S. 1, 2 (1985).

45. While acting under color of state law, Defendant(s) Rhinewalt and/or Frederick deprived Jaylen of his well-established right to be free from excessive force, per the authority cited herein.

46. At all times relevant herein, Plaintiffs assert Decedent had the well-established constitutional right not to be subjected to excessive force while being arrested, even if his arrest could have been otherwise proper.

47. In other words, on September 25, 2022, Defendants Rhinewalt and Frederick were only permitted to use the amount of force necessary under the circumstances to arrest Decedent.

48. At all times relevant to this matter, Defendants Rhinewalt and Frederick were clothed with the authority of the state and misused that authority.

49. In this case, Plaintiffs claim Defendant(s) Rhinewalt and/or Frederick used excessive force when they arrested and/or seized the person of Decedent, to wit:

- a. Defendants shot at Decedent, as stated above, and knowing or having reason to know that Decedent was unarmed, never brandished or fired any weapon toward any officer, nor did he act as though he had a weapon when the Defendant Shooters encountered him;
- b. Defendants intentionally fired their service weapons at Decedent and killed him with gunfire while Decedent posed no threat of death or serious bodily harm to them or others;

- c. Defendants intentionally fired into the vehicle of Decedent, despite Decedent and Decedent's passenger being located in the vehicle; and
- d. The Defendant Shooters fired at Decedent while Decedent was not firing or pointing a weapon or acting as though he had a weapon.

50. As a direct and proximate result of Defendants' actions, as set forth above, Plaintiffs have been damaged, including but not limited to, Decedent was shot and killed, Plaintiffs' family was destroyed, and have endured pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, emotional agony, loss of support, loss of companionship, loss of sense of personal safety, dignity, and legal fees and costs.

COUNT II

Supervisory Liability (Against Defendant Wesley Luckey)

51. All preceding paragraphs are incorporated as if fully re-written herein.
52. This claim is brought pursuant to Title 42 U.S.C. § 1983.
53. At all times relevant herein, Defendant Wesley Luckey is the Chief of Police of Capital Police.
54. Defendants Luckey is a direct supervisor of Defendants Rhinewalt and Frederick.
55. Defendant Lukcey has supervisory authority over the Capital Police and/or Defendants Rhinewalt and Frederick.
56. At all times relevant herein, Defendant Luckey knew or reasonably should have known of, and/or participated in, and/or condoned, and/or ratified:
- a. Defendant(s) Rhinewalt and/or Frederick shooting at Decedent when he posed no risk of lethal harm to any officer or civilian because he was unarmed when he was in his vehicle;

- b. Defendant(s) Rhinewalt and/or Frederick shooting at Decedent when he posed no risk of lethal harm to any officer or civilian and Defendants Rhinewalt and Frederick had a clear line of sight and clear picture that Decedent was unarmed.
- c. Defendant(s) Rhinewalt and/or Frederick failing to de-escalate the scene, thereby making the scene more dangerous to Decedent, the officers, and the general public;
- d. Defendant(s) Rhinewalt and/or Frederick's tactical decisions against Decedent when he was in his car; and
- e. Defendant(s) Rhinewalt and/or Frederick's use of lethal force while facing no threat of lethal force and while at least one of them had just been involved with a very similar unreasonable shooting and/or was actively being investigated for said conduct.

57. Defendant Luckey knew or reasonably should have known that his acts and/or failures to act would likely cause the constitutional injury that befell Plaintiffs and Decedent, to wit: by endorsing, promoting, encouraging, and/or not disciplining Defendant(s) Rhinewalt and/or Frederick's actions, and/or by keeping them employed at Capital Police, and/or by allowing them to continue to use their firearms as police officers under the circumstances detailed in this Complaint, Decedent was killed and Plaintiffs lost the Decedent as a result of Defendant(s) Rhinewalt and/or Frederick's reckless, wanton, and/or willful actions which were endorsed, condoned, and/or ratified by Defendant Luckey.

58. Defendant Luckey had a duty and/or was required by his training to take action to discipline and/or otherwise prevent the Defendant(s) Rhinewalt and/or Frederick from engaging in the above-stated conduct.

59. Despite his knowledge Defendant(s) Rhinewalt and/or Frederick's misconduct, as stated above, Defendant Luckey took no action, failed to impose reasonable discipline, failed to follow chain of command, failed to document the instances of misconduct, and/or otherwise abandoned his supervisory duties.

60. As a result of his failures and/or abandonment of his supervisory duties, as stated above, the Defendant Luckey created an environment that condoned the aforementioned misconduct and perpetuated and/or facilitated and/or aided the Defendant(s) Rhinewalt and/or Frederick in the unreasonably violent and grotesque seizure of Decedent's person and the taking of his life when he posed no lethal threat to Defendants or anyone else at the time he was killed.

61. Defendant Luckey engaged in acts and omissions that were the product of a reckless or callous indifference to Decedent's and Plaintiffs' constitutional rights, to wit:

- a. Defendant trained, endorsed, and/or condoned Defendant(s) Rhinewalt and/or Frederick to shoot at subjects in the manner detailed above, i.e., when the subject had no weapon nor posed any direct threat to them or the life of another;
- b. Defendant knew or had reason to know that Defendant(s) Rhinewalt and/or Frederick would use excessive force in the manner described above due to previous instances where one or both of them used excessive force in a similar manner; and
- c. Despite having the aforesaid knowledge, Defendant continues to condone the conduct and actions of Defendant(s) Rhinewalt and/or Frederick as stated above.

62. By his acts and failures to act as stated above, Defendant Luckey in fact caused Plaintiffs' constitutional deprivation: to wit, Decedent was seized/killed with lethal force while

unarmed in violation of the 4th and 14th Amendments to the United States Constitution.

63. As a direct and proximate result of Defendants' actions, as set forth above, Plaintiffs have been damaged, including but not limited to, Decedent was shot and killed, Plaintiffs' family was destroyed, and have endured pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, emotional agony, loss of support, loss of companionship, loss of sense of personal safety, dignity, and legal fees and costs.

COUNT III

Municipal Liability pursuant to *Monell* (Against Defendants Mississippi Department of Public Safety and Mississippi Capital Police)

64. All preceding paragraphs are incorporated as if fully re-written herein.

65. This claim is brought pursuant to Title 42 U.S.C. § 1983.

66. Municipal bodies, like Defendants MDPS and Capital Police, are liable for constitutional violations under 42 U.S.C. § 1983 when execution of their official policies or customs deprives an individual of rights protected by the Constitution. *Monell v. Dep't of Soc. Servs. Of City of New York*, 436 U.S. 658, 694 (1978).

67. Official policies or customs can result from: (a) a formal regulation or policy statement; (b) an informal custom amounting to a widespread practice that, although not authorized by written law or express policy, is so permanent and well settled as to constitute a custom or usage with the force of law; (c) the decisions of employees with final policymaking authority; (d) the ratification of such final policymakers of the decisions, and the basis for them, of subordinates to whom authority was delegated subject to these policymakers' review and approval; or (e) the failure to adequately train or supervise employees, so long as that failure results from deliberate indifference to the injuries that may be caused.

68. A municipality is liable under § 1983 when its agency's policy or custom, as evidenced in any of the manners set forth above, is "closely related" to the ultimate constitutional injury suffered by the plaintiff, and/or causes or occasions the constitutional violation. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 388 (1989).

69. Defendant Luckey is the top policymaker for MDPS and/or Capital Police.

70. Defendant MDPS maintains an armed police force, Capital Police, with the power to arrest citizens.

71. At all times relevant herein, state legislation had recently expanded the jurisdiction of Capital Police across Jackson, Mississippi, a majority African American city.

72. This expansion was controversial due to concerns about unequal policing, political overreach, and lack of local accountability. The shift in jurisdiction drastically altered the role of Capitol Police from limited security to full-spectrum urban policing. The expansion coincided with a surge in high-intensity encounters, including pursuits, officer-involved shootings, and use-of-force complaints.

73. Within the first six months of Capital Police's deployment to Jackson, no less than four citizens were shot by Capital Police officers. In each case, there were questions about whether officers followed constitutional standards regarding lethal force and pursuit justification. These instances included the following:

- a. On August 14, 2022, Capital Police officers encountered a vehicle for a traffic violation, which resulted in officers, including Defendant Rhinewalt, firing their weapons into a vehicle, striking a passenger in the head. The victim, Sherita Harris, survived but sustained permanent neurological and facial injuries. No weapon was recovered from the car. A grand jury later indicted two

officers, including Defendant Rhinewalt, for aggravated assault. The state cited extreme indifference to human life.

- b. On December 11, 2022, Capital Police opened fire on a suspected car thief, which resulted in inadvertent and unreasonable shooting of Latasha Smith, who was struck in the arm while in her apartment.

74. At the time of these incidents, Capitol Police Officers did not wear body-worn cameras. Additionally, Capital Police's pursuit and lethal force protocols were unclear and unavailable for review.

75. At the time of these incidents, Capital Police's use-of-force policy was last formally revised in 2006.

76. In the wake of the several instances of shootings by Capital Police officers, NBC News found that the Capitol Police had deployed the officers to Jackson without modernizing policies to reflect their new mission.

77. As a result of the continued news reporting and public outcry, Capital Police quietly revised its policies and procedures regarding use of force in 2023. Unfortunately for Decedent and many like him, these necessary changes were too little, too late.

78. As revealed through these instances, Defendant MDPS and/or Capital Police is/are aware that its officers engage in violent behavior that involves excessive force in violation of the Fourth Amendment.

79. Defendant MDPS and/or Capital Police have a long-standing and unwritten policy or custom of using lethal force against its citizens during routine police matters, to wit:

- a. Defendants chose not to implement any meaningful written policies and/or procedures surrounding the use of force at the time that Capital Police expanded into the City of Jackson, or at any time for over 15 years prior to this occurrence;
- b. Defendants intentionally operated in a manner that was not transparent to the public, in order to be able to continue exercising unreasonable force against citizens without public backlash;
- c. Defendants have acquiesced to a culture of violence in the Capital Police Department by abandoning his duty to exercise control over the Police Department and by avoiding any study of the number of excessive force cases and violence involved in the arrest of citizens within the City of Jackson;
- d. Defendants have perpetuated a culture of violence in the Capital Police Department by permitting officers who have engaged in excessive force or unreasonable violence toward citizens to avoid the consequences of discipline and remain actively working on the police force.

80. The unwritten policy and/or custom stated in the immediately preceding paragraphs is/are known to MDPS and/or Capital Police and/or Defendant Luckey, who approved, benefitted from, ratified, encouraged, sanctioned, and/or promoted this policy or custom throughout the Capital Police Department.

81. Following the death of Decedent, the MDPS and/or Capital Police and/or Defendant Luckey continued to approve, ratify, encourage, sanction, and/or promote the policy or custom of ignoring excessive force and fostering a culture of violence as they expressed support for Defendants Rhinewalt and Frederick's actions regarding the death of Decedent, imposed no discipline on them.

82. Defendants MDPS and/or Capital Police also maintains an unwritten policy or custom of fostering racist and violent ideas and attitudes towards African Americans within the City of Jackson, Mississippi, to wit:

- a. Upon information and belief, once expanded into the jurisdiction of Jackson Mississippi, the city saw a sharp spike in the number of police shootings and unreasonable use of force, particularly against African Americans.
- b. Upon information and belief, Capital Police intentionally kept its outdated and lacking use of force policies out of the view of the public in order to ensure that it could continue operating in a manner where its officers exercised excessive force against the citizens of Jackson.

83. The aforesaid unwritten policies or customs put Decedent, Plaintiffs, and the general public at unreasonable risk of grievous bodily harm, injury, or death.

84. The aforesaid unwritten policies or customs as shown by the pattern of unreasonably violent cases listed above, and reinforced by the lack of meaningful discipline, did in fact cause the death of Decedent.

85. At all times relevant hereto, Defendant Luckey initiated, authorized, condoned, ratified, and/or encouraged the aforesaid unwritten policies or customs.

86. Defendant Luckey had knowledge of the aforesaid unwritten policies or customs because he worked MDPS and/or Capital Police at the time the aforesaid policies or customs were in place.

87. Defendant Luckey reviewed documents, discussed, and/or received details and information at the Capital Police Department about the manner in which the Defendant(s) Rhinewalt and/or Frederick shot and killed Decedent while he was unarmed.

88. By his actions and failures to act as aforesaid, Defendant Luckey approved of Defendant(s) Rhinewalt and/or Frederick's conduct.

89. Defendant Luckey was thus on actual and/or constructive notice of these policies or customs but did nothing about them.

90. Upon information and belief, Defendants MDPS and/or Capital Police does not train its police force on the proper use of force or on bias-free policing.

91. Upon information and belief, Defendants MDPS and/or Capital Police do not train officers, such as Defendants Rhinewalt and Frederick, to de-escalate or disengage from police encounters where persons, like Decedent, are unarmed and pose no reasonable threat to the officers or the public.

92. Upon information and belief, MDPS and/or Capital Police do not discipline officers, such as Defendants Rhinewalt and Frederick, who shoot and/or kill persons, like Decedent, who are unarmed and pose no reasonable threat to the officers or the public.

93. Upon information and belief, Defendants MDPS and/or Capital Police do not discipline officers, such as Defendants Rhinewalt and Frederick, who fail to deescalate situations where persons, like Decedent, are unarmed and pose no reasonable threat to the officers or the public.

94. The need for said training and discipline, as aforesaid, is so obvious that the failure of Defendants to conduct said training and discipline establishes Defendants' objective deliberate indifference to the constitutional rights of Plaintiffs and Decedent and all who live in policing jurisdiction of MDPS and Capital Police.

95. As a direct and proximate result of Defendants' actions, as set forth above, Plaintiffs have been damaged, including but not limited to, Decedent was shot and killed, Plaintiffs' family

was destroyed, and have endured pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, emotional agony, loss of support, loss of companionship, loss of sense of personal safety, dignity, and legal fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, for not less than \$75,000.00, including but not limited to:

A. Compensatory and consequential damages in an amount to be determined by the Court in excess of the Court's jurisdictional amount;

B. Punitive damages in an amount to be determined at trial, for the willful, reckless, and malicious conduct of Defendants;

C. Equitable relief, including, without limitation, that Defendants MDPS and Capital Police be made to adopt an appropriate policy to prevent future instances of the type of misconduct described herein;

D. Attorneys' fees and the costs of this action and other costs that may be associated with this action; and

E. Any and all other relief that this Court deems equitable, just and proper.

JURY DEMAND

Plaintiff respectfully demands a trial by jury of the within matter.

Respectfully submitted,

/s/ L.N. Chandler Rogers

L.N. Chandler Rogers (MS Bar No. 102543)

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