

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

WILLIAM DAVID FOWLER and )  
LINDA ANN YARBER FOWLER, )  
    individually and on their )  
    relationship to the State )  
    of Tennessee )  
                                  ) **Plaintiffs** )

vs. )

No. \_\_\_\_\_  
JURY DEMANDED

STEVE BURNS, )  
JAMES "BUDDY" RANDOLPH, )  
MIKE FINCHER, )  
JOHN HUFFINE, )  
JOHN DOE DEPUTY SHERIFFS, )  
GREENE COUNTY, TENNESSEE, and )  
DOE INSURANCE COMPANY as )  
    surety on official bonds )  
                                  ) **Defendants** )

**COMPLAINT**

Plaintiffs sue Defendants and for action say:

**NATURE OF ACTION**

1. This is an action by Plaintiffs, WILLIAM DAVID FOWLER and LINDA ANN YARBER FOWLER for damages caused by violations of their state and federal civil rights.

**JURISDICTION**

2. The acts complained of occurred in this division of the Eastern District of Tennessee.

3. This Court has jurisdiction over Plaintiffs' statutory and constitutional claims pursuant to 28 U.S.C. §§ 1331 and 1343; 42 U.S.C. §§ 1983 and 1988; and supplemental

jurisdiction over Plaintiff's state claims arising out of the stated occurrence pursuant to 18 U.S.C. § 1367 and F.R.Civ.P. Rule 18.

#### **THE PARTIES**

4. Plaintiffs, WILLIAM DAVID FOWLER and LINDA ANN YARBER FOWLER are residents of Greene County, Tennessee.

5. Plaintiffs bring this action in the name of the State of Tennessee on their relationship pursuant to T.C.A. § 8-19-310.

6. Defendant GREENE COUNTY TENNESSEE is a political subdivision of the State of Tennessee.

7. Defendant STEVE BURNS is the Sheriff of Greene County Tennessee and is sued in his official capacity and in his individual capacity.

8. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER and JOHN HUFFINE are deputy sheriffs in the Greene County Sheriff's Department and are sued in their official capacity and individual capacity.

9. Defendant JOHN DOE DEPUTY SHERIFFS are deputy sheriffs in the Greene county Sheriff's Department whose identity are known to Defendant GREENE COUNTY TENNESSEE but unknown to Plaintiffs at this time for which GREENE COUNTY TENNESSEE is liable for their conduct pursuant to T.C.A. § 8-8-302.

10. Defendant DOE INSURANCE COMPANY, whose identity is known to GREENE COUNTY TENNESSEE is sued as surety on the official bonds of Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS.

#### **FACTUAL BASIS**

11. In November of 2006, Plaintiffs hired two (2) men to do carpentry work, home repairs, and landscaping work at the Plaintiffs' property located in Greene County, Tennessee.

12. Plaintiffs had received good recommendations from a friend regarding the work of these two men.

13. After working intermittently for the Plaintiffs for approximately one month, one of the men approached Plaintiffs and advised that he had a farm type tractor/trailer for sale that belonged to a family member who wanted to sell it.

14. Plaintiffs subsequently purchased this tractor/trailer from this man.

15. Thereafter these two men left work and did not return to Plaintiffs' property.

16. A short time thereafter, Plaintiffs saw an article in a local newspaper relating that these two men had been arrested and jailed in Unicoi County, Tennessee on theft and burglary charges.

17. Plaintiffs immediately contacted the Unicoi County Sheriff's Department, where these two men were being held, to advise the Sheriff of Unicoi County that Plaintiffs had purchased a tractor/trailer from one of these men.

18. Plaintiffs requested that Sheriff Kent Harris of the Unicoi County Sheriff's Department send officers to Plaintiffs' residence to investigate the tractor and determine if it was stolen property.

19. Thereafter, Sheriff Harris and Detective Ronnie Adkins of the Unicoi County Sheriff's Department came to Plaintiffs' property and inspected the tractor in question and determined it was in fact stolen property and had been stolen in Washington County, Tennessee.

20. The Washington County Sheriff Department detectives were notified and came to Plaintiffs' property and confirmed that the tractor was stolen.

21. The owner of the tractor returned the next day to Plaintiffs' property and retrieved the tractor.

22. At that time no other stolen items were identified or found on this property and none were present to the best of Plaintiffs knowledge.

23. On the morning of February 3, 2007, Plaintiff David Fowler went into his garage on his property to retrieve a tool and noticed an object covered with a tarp which Plaintiff did not recognize and never noticed previously.

24. Plaintiff uncovered this object and discovered it to be a large riding lawn mower which he had never seen before.

25. Plaintiff David Fowler immediately notified the Unicoi Sheriff's Department to advise them that he had located a lawn mower on his property and suspected that it could possibly have been stolen property concealed in his shed by the same man or men responsible for the stolen tractor.

26. Later that same day, February 2, 2007, Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER, JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS from the Greene County Tennessee Sheriff's Department entered Plaintiffs' private property/residence and searched Plaintiffs' property without permission of the Plaintiffs and without a valid search warrant while Plaintiffs were not at home.

27. Defendants left the property after conducting this initial search, but returned later in the same day and again searched the property and, on this occasion, detained the Plaintiffs and searched the Plaintiffs' property, including the Plaintiffs' home.

28. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS threatened and intimidated the Plaintiffs searched Plaintiffs' residence, and unlawfully detained the Plaintiffs for a substantial period of time, approximately three to four hours, before leaving the property.

29. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER, JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS accused Plaintiffs of being crooks involved in the theft ring and made numerous threats, berating the Plaintiffs and screaming that if they did not confess they would take them to jail.

30. Plaintiffs refused to confess to offenses they did not commit.

31. On February 5, 2007, Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER, JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS returned to Plaintiffs' residence and took Plaintiff Linda Fowler into custody and ordered Plaintiff David Fowler to appear at the Sheriff's Department later that day.

32. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER, JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS placed Plaintiff Linda Fowler in handcuffs, with her hands restrained behind her back, and physically forced into the back seat of a patrol car with her face down on the seat of the car, whereafter she was transported to the Greene County Detention Center in Greeneville, Tennessee.

33. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER, JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS placed, or caused Plaintiff Linda Fowler to be placed into a holding cell without being booked into the jail and without being informed of what, if any, charges were being placed against her.

34. Plaintiff Linda Fowler was forced to take off her clothes and change into a jail uniform.

35. Plaintiff Linda Fowler was imprisoned in handcuffs and shackles while in a filthy holding cell for several hours before being taken to an interrogation room.

36. Plaintiff Linda Fowler was interrogated by Defendant FINCHER and others for two to three hours.

37. Defendant Fincher and others yelled and screamed at Plaintiff Linda Fowler, berated her, and threatened and intimidated her.

38. Defendant Fincher failed and neglected to inform Linda Fowler of her Miranda rights.

39. Defendant Fincher failed and neglected to allow Plaintiff Linda Fowler to make a telephone calls.

40. Defendant Fincher threatened Plaintiff Linda Fowler that he could hold her for three days without charging her unless she told him what he said had happened.

41. After this interrogation, in which Plaintiff Linda Fowler maintained her innocence throughout, Plaintiff Linda Fowler was returned to a holding cell which had no chairs, beds or other furnishings and she was forced to lie on the floor where she remained until released later that night.

42. While Plaintiff Linda Fowler was in the holding cell after the interrogation, Defendant Fincher came to the holding cell and told Plaintiff Linda Fowler that she was being released but that she would be charged later.

43. Plaintiff David Fowler was ordered by JOHN DOE DEPUTY to appear at the Greene County Detention Center on the same day that his wife, Linda Fowler was taken into custody.

44. Plaintiffs were both imprisoned in the Greene County Sheriff Detention Facility by Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS and employees of Greene County without a mittimus.

45. Plaintiffs were not taken before a magistrate and were not permitted to post bond for an unreasonable period of time by Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS.

46. Plaintiff David Fowler appeared, as ordered, at the Sheriff's Department later that same day where he also was taken into custody BY JOHN DOE DEPUTY Sheriffs.

47. Plaintiff David Fowler forced to change clothes into a jail uniform by JOHN DOE DEPUTY SHERIFFS.

48. Plaintiff David Fowler was placed in a filthy drunk tank with human feces and blood by JOHN DOE DEPUTY SHERIFFS.

49. Plaintiff David Fowler was never informed of what, if any, charges were being placed against him by JOHN DOE DEPUTY SHERIFFS.

50. Plaintiff David Fowler remained in the holding cell for several hours before being placed in shackles and taken to an interrogation room by JOHN DOE DEPUTY SHERIFFS where he was interrogated by Defendant Fincher and others.

51. During this interrogation Defendant Fincher screamed, yelled, berated, intimidated and threatened Plaintiff David Fowler and demanded that he confess to a crime.

52. Defendant Fincher's interrogation lasted for a period of approximately three hours during which Plaintiff David Fowler maintained his innocence.

53. Plaintiff David Fowler was then told that he and his wife were being released for the present time but that both he and his wife would be charged with a criminal offense at a later time.

54. Plaintiff David Fowler was returned to a holding cell where he remained for a period of time before being allowed to change back into his own clothes and was released.

55. Because of the statements of Defendant Fincher that they would be charged at a late time Plaintiffs David Fowler and Linda Fowler were required to hire an attorney to defend against the charges.

56. No criminal charges have ever been filed against Plaintiffs.

**FIRST COUNT:  
VIOLATIONS OF TITLE 42 U.S.C. §§ 1983 AND 1988**

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57. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

58. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS were acting under color of state law in doing the acts complained of.

59. Defendants JAMES "BUDDY" RANDOLPH, MIKE FINCHER AND JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS violated Plaintiffs' rights under the United States Constitutional under the Fourth Amendment to be free from unlawful arrest and seizure.

60. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS violated Plaintiffs' rights under the United States Constitution under the Fourth Amendment to be free from unlawful search and seizure.

61. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS each violated Plaintiffs' rights under the United States Constitutional under the Fourth and Fifth Amendment to be free from the use of excessive force.

62. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS and unknown employees of Defendant GREENE COUNTY TENNESSEE denied Plaintiffs the equal protection of their fundamental civil rights provided them by Tennessee law in violation of the Fourteenth Amendment.

63. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS and unknown employees of Defendant GREENE COUNTY TENNESSEE denied Plaintiffs' their fundamental civil rights provided by Tennessee law in violation of 42 U.S.C. § 1988(a).

64. Defendant GREENE COUNTY, TENNESSEE has a custom and practice of detaining persons for investigation without legal justification that violates the Fourth and Fourteenth Amendment to the United States Constitution which was a moving force behind the violations of Plaintiffs constitutional rights.

65. Defendant GREENE COUNTY TENNESSEE failed to properly train its officers on (1) search of residences; (2) arrest, and (3) holding citizens accused of crime against their will and without the right to counsel or bond.

66. Defendants SHERIFF STEVE BURNS, DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS are liable to Plaintiffs for damages, cost and attorney fees pursuant to 42 U.S.C. §1983 and 1988.

67. Defendant GREENE COUNTY TENNESSEE is liable to Plaintiffs for damages cost and attorney fees pursuant to 42 U.S.C. §1983 and 1988.

68. Defendant GREENE COUNTY TENNESSEE is liable pursuant to T.C.A. § 8-8-302 for Defendants SHERIFF STEVE BURNS, DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS for the violations of Plaintiffs federal constitutional rights and 42 U.S.C. § 1983 and 1988.

**SECOND COUNT:  
UNLAWFUL ARREST**

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69. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

70. Plaintiffs were falsely and unlawfully arrested.

71. Plaintiffs sue Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS for their unlawful and false arrest.

72. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to T.C.A. § 8-8-302 for each act done by each Greene County Deputy Sheriff, including but not limited to those named, that assisted, contributed to, or resulted in their false arrest.

**THIRD COUNT:  
ASSAULT WITH BODILY INJURY**

73. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

74. DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS used excessive and unnecessary force against Plaintiffs by Defendants' JOHN DOE during their arrest and imprisonment including the application of metal handcuffs in a manner that caused Plaintiffs great pain and numbness in their wrists and thumbs.

75. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to T.C.A. § 8-8-302 for the acts done by each Greene County Deputy Sheriff that assisted, contributed to, or resulted in their assault with bodily injury.

**FOURTH COUNT:  
UNLAWFUL IMPRISONMENT**

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76. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

77. Plaintiffs were falsely and unlawfully imprisoned without a mittimus by DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS.

78. Plaintiffs sue Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN

DOE DEPUTY SHERIFFS for their unlawful and false imprisonment without a mittimus.

79. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to T.C.A. § 8-8-302 for each act done by each Greene County Deputy Sheriff, including but not limited to those named, that assisted, contributed to, or resulted in their false imprisonment.

**FIFTH COUNT:  
UNLAWFUL DETENTION**

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80. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

81. Plaintiffs have a right to be taken before a magistrate without unnecessary delay and to be informed of the charges for which they had been arrested.

82. Plaintiffs have a right to be released on bail upon being arrested.

83. Unknown employees and deputy sheriffs of Defendant GREENE COUNTY TENNESSEE failed and neglected to provide Plaintiffs their right to be released on bail.

84. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to T.C.A. § 8-8-302 for the acts done by each Greene County deputy sheriff, including but not limited to those named, that assisted, contributed to, or resulted in the neglect and unreasonable delay in providing Plaintiffs their right to be

properly informed of the charges placed against them and released on bail.

85. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to the GTLA for the acts done by each Greene County deputy sheriff or employee, including but not limited to those named, that assisted, contributed to, or resulted in the neglect and unreasonable delay in providing Plaintiff her right to be released on bail.

**SIXTH COUNT:  
VIOLATIONS OF RIGHTS GUARANTEED BY THE TENNESSEE CONSTITUTION**

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86. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

87. Plaintiffs sue Defendants DEPUTY JAMES "BUDDY RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS under Article I, Section 17 of Tennessee's Constitution for a remedy at law for damages for Defendant's denial, while acting under color of state law, of Plaintiffs' rights under Article I, Sections 7, 8 and 15 of the Tennessee Constitution.

88. Plaintiffs sue Defendant GREENE COUNTY TENNESSEE pursuant to T.C.A. § 8-8-302 for the violations of Plaintiffs' rights under the Tennessee Constitution under Article I, Sections 7, 8 and 15 of the Tennessee Constitution.

**SEVENTH COUNT:  
DEFENDANT BURNS' FAILURE AND NEGLECT TO PERFORM HIS DUTIES AS  
SHERIFF**

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89. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

90. Defendant Burns is required to perform duties as Sheriff of Greene County by Tennessee law and Greene County law.

91. Defendant Burns failed and neglected to perform the duties required of him by law to train his officers in (1) searches of residences and (2) arrest.

92. Defendant Burns' breach of his duty was a contributing cause of Plaintiffs' injuries.

93. Plaintiffs in the name of the State of Tennessee sue Defendant Burns for the failure and neglect to perform his duty as provided for by T.C.A. § 8-19-301.

**EIGHTH COUNT:  
DEFENDANTS DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER  
AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS SHERIFFS  
BREACH OF DUTY**

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94. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

95. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS had a duty as deputy sheriffs to carry out the duties of the office of deputy sheriff.

96. Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS breached their duties as deputy sheriffs by committing each of the acts and violations stated in this complaint.

97. Plaintiffs sue Defendants DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS individually and in the name of the State of Tennessee for their failure and neglect to perform their duty as provided for by T.C.A. § 8-19-301.

**NINTH COUNT:  
ACTION ON RELATIONSHIP OF THE STATE OF TENNESSEE ON DEFENDANTS  
OFFICIAL BONDS**

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98. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

99. Plaintiffs, as the beneficiary of official bonds made payable to the State of Tennessee, as provided for by T.C.A. 8-18-301 brings this action on relationship to the STATE OF TENNESSEE as principal on Defendant DEPUTY JAMES "BUDDY" RANDOLPH, DEPUTY MIKE FINCHER AND DEPUTY JOHN HUFFINE and JOHN DOE DEPUTY SHERIFFS for violations of said Defendants' official bonds and sues for damages resulting from said Defendants' failure and neglect to perform the duties required of said defendants.

**TENTH COUNT:  
LIABILITY OF JOHN DOE INSURANCE COMPANY AS SURETY ON DEFENDANTS  
OFFICIAL BONDS**

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100. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

101. Plaintiffs sue Defendant JOHN DOE INSURANCE COMPANY pursuant to T.C.A. § 8-18-301 under its surety for violations of the Defendant's duties under their official bonds.

**ELEVENTH COUNT:  
LIABILITY OF GREENE COUNTY PURSUANT TO T.C.A. § 8-8-302**

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102. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

103. Defendant GREENE COUNTY TENNESSEE is liable pursuant to T.C.A. § 8-8-302 for each act of each of its deputy sheriffs, including but not limited to those named, done by virtue of or under the color of the authority of their authority deputy sheriffs that caused or contributed to the injuries and damages to Plaintiff.

104. Defendant GREENE COUNTY is sued pursuant to T.C.A. § 8-8-302 for each act of each Greene County deputy sheriffs, whose identity is presently unknown, that were done by said unknown deputy sheriffs by virtue of or under the color of the authority as deputy sheriff that caused or contributed to the injuries and damages to Plaintiffs.

**TWELFTH COUNT:  
LIABILITY OF GREENE COUNTY UNDER THE GOVERNMENT TORT LIABILITY  
ACT**

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105. The foregoing allegations are incorporated into this cause of action as though set out verbatim.

106. Defendant GREENE COUNTY is liable under the Governmental Liability Act "GTLA" for the negligence of its employees and agents for actions that are not specifically excluded from that Act.

107. Plaintiffs sue Defendant GREENE COUNTY under the "GTLA" for the negligence of each of its employees that failed to prevent other employees from unlawfully imprisoning Plaintiffs without a mittimus.

108. Plaintiffs sue Defendant GREENE COUNTY under the "GTLA" for the negligence of each of its employees that failed to prevent other employees from unlawfully searching and seizing plaintiffs' property.

**DAMAGES**

109. As a result of the wrongs and acts complained of Plaintiffs suffered psychological and physical injury; they were required to incur the cost of legal defense; they suffered emotional distress; mental anguish; lost earning capacity; damages to their good name and reputation; and their enjoyment of life has been diminished.

**PRAYER FOR RELIEF**

1. That Plaintiffs have a jury selected from jurors from counties in this judicial district other than Greene County because jurors from Greene County have more than a *de minimus* financial interest in a verdict because Greene County is self insured and Greene County jurors will be required to pay any judgment; because Greene County jurors are interested parties who have voted for or against Defendant Burns as a public official; and because of prejudicial publicity in legal proceedings between Defendant Burns and Plaintiffs' attorney.

2. That each Plaintiff each have an award of compensatory damages against Defendants in an amount not to exceed \$1,000,000.00.

3. That Defendants be required to pay Plaintiffs' attorney fees and litigation cost.

s/Herbert S. Moncier  
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