

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON  
HERBERT ANTHONY GREEN; KHADAFY MANNING;  
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS  
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and  
BETTY JEAN WILLIAMS TUCKER, individually and on  
Behalf of a class of all other similarly situated,**

**PLAINTIFFS**

v.

**CIVIL ACTION NO. 3:17-CV-347-WHB-LRA**

**MADISON COUNTY, MISSISSIPPI;  
SHERIFF RANDALL S. TUCKER, in his official capacity; and  
MADISON COUNTY SHERIFF'S DEPUTIES JOHN  
DOES #1 through #6, in their individual capacities,**

**DEFENDANTS**

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**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS, MADISON COUNTY,  
MISSISSIPPI AND SHERIFF RANDALL C. TUCKER, IN HIS OFFICIAL CAPACITY**

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COME NOW defendants Madison County, Mississippi and Sheriff Randall Tucker, in his official capacity ("Defendants"), by and through the undersigned counsel, and file this Answer and Affirmative Defenses to the Complaint filed in this matter. (ECF #1).

**DEFENSES AND AFFIRMATIVE DEFENSES**

Defendants allege the following defenses and affirmative defenses with respect to the claims alleged in the Complaint, without assuming the burden of proof where the burden of proof rests on plaintiffs. Defendants are still investigating the allegations and are without knowledge or information sufficient to form a belief as to whether other affirmative defenses are available at this time. Further, defendants cannot fully anticipate all affirmative defenses that may be applicable to this action based on the characterizations used in the Complaint. Defendants are without knowledge or information sufficient to form a belief as to whether other affirmative defenses are available in this matter. Defendants hereby give notice that they intend to rely upon

such other and further defenses as may become available or apparent during pretrial proceedings and reserve the right to assert additional defenses if, and to the extent, such become applicable.

#### **FIRST DEFENSE**

Plaintiffs' claims against defendants fail to state a claim for which relief can be granted and should be dismissed under *Fed. R. Civ. P.* 12(b) (6).

#### **SECOND DEFENSE**

Defendants assert all defenses available to them as set forth in *Fed. R. Civ. P.* 12(b) (1) through 12(b) (7).

#### **THIRD DEFENSE**

Although it does not appear that plaintiffs have brought any state law claims against them, defendants assert all substantive, immunity, and procedural defenses available to them pursuant to *Miss. Code Ann.* §§ 11-46-1 *et seq.*, including those found in §§11-46-5, 11-46-7, 11-46-9, 11-46-11, 11-46-13, 11-46-15, and 11-46-17. To the extent that the Complaint may seek a jury trial where such is unavailable under state or federal law, defendants move to strike any such demand.

#### **FOURTH DEFENSE**

All claims made by plaintiffs against defendants are barred by their claims of absolute immunity.

#### **FIFTH DEFENSE**

Each cause of action in the Complaint is barred, in whole or in part, by the applicable statute of limitations, including *Miss. Code Ann.* §§ 15-1-35 and 15-1-49, as applied by 42 U.S.C. § 1988 and *Wilson v. Garcia*, 471 U.S. 261 (1985), or 28 U.S.C. § 1658.

**SIXTH DEFENSE**

Defendants invoke all remedies and defenses available to them pursuant to the Tort Reform Acts of 2002 and 2004, including, but not limited to, *Miss. Code Ann.* §§ 11-1-60, 11-1-65, 11-1-69, and 85-5-7.

**SEVENTH DEFENSE**

Defendants invoke the provisions of *Miss. Code Ann.* § 85-5-7, and assert all defenses, rights, privileges, and immunities they can assert under that Section.

**EIGHTH DEFENSE**

Any alleged injuries, constitutional or otherwise, plaintiffs claim they suffered, which defendants specifically deny, were caused solely by the acts or omissions of another or others for whose conduct defendants are not responsible and for whose conduct defendants had no reason to foresee or anticipate.

**NINTH DEFENSE**

Acts or omissions of other persons and/or entities who are not parties to this cause were a superseding or intervening cause of any injuries or damages claimed by plaintiffs in this cause.

**TENTH DEFENSE**

Some or all of plaintiffs' allegations should be stricken under *Fed. R. Civ. P.* 12(f) as impertinent and/or immaterial to their claims.

**ELEVENTH DEFENSE**

Defendants affirmatively assert all the equitable defenses of laches, waiver, estoppel, contributory negligence, unclean hands, and all other defenses available to them under *Fed. R. Civ. P.* 8(c).

### **TWELFTH DEFENSE**

Without limiting any causes of action that may be subject to dismissal under *Fed. R. Civ. P.* 12(b)(6), defendants state that all claims that they violated any federal right held by plaintiffs or putative class, including the Fourth and Fourteenth Amendments to the United States Constitution, fail to state a claim for which relief can be granted and should be dismissed with prejudice.

### **THIRTEENTH DEFENSE**

Plaintiffs are not entitled to seek any punitive damages or extra-contractual relief against defendants under federal or state law. In addition to this denial, defendants affirmatively state:

1. An award of punitive damages in this civil action would amount to a deprivation of property without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and §14 of the Mississippi Constitution;
2. No legislation has been enacted waiving immunity from punitive damages or otherwise authorizing punitive damages in a civil action such as this or placing any limit on the amount of punitive damages awardable and/or, in the alternative, the provisions and procedures of Miss. Code Ann. § 11-1-65 are hereby invoked;
3. An award of punitive damages in this civil action would violate the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution and of §14 of the Mississippi Constitution;
4. The criteria used for determining whether and in what amount punitive damages may be awarded are impermissibly vague, imprecise and inconsistent and are, therefore, in violation of the due process provisions of the Fifth and Fourteenth Amendments to the Constitution of the United States;

5. An award of punitive damages in this civil action would amount to an excessive fine in violation of the Eighth Amendment to the Constitution of the United States of America and of §28 of the Mississippi Constitution.

6. Punitive damages are not available against defendants under *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247 (1981).

#### **FOURTEENTH DEFENSE**

Plaintiffs are not entitled to equitable relief or actual, compensatory, consequential, or punitive damages because such relief is not available for some or all of the causes of action alleged against some or all defendants.

#### **FIFTEENTH DEFENSE**

Each cause of action in the Complaint is, in whole or in part, not attributable or otherwise arising from the enforcement of a policy, practice or custom of defendant Madison County, defendant Sheriff Tucker, or the Madison County Sheriff's Department ("MCSD").

#### **SIXTEENTH DEFENSE**

The Complaint does not appear to seek to make Sheriff Tucker individually liable for alleged deprivations of federal rights. Should plaintiffs contend that Sheriff Tucker, or any other individual in a supervisory role with defendant Madison County or the MCSD, is personally or individually liable, the Complaint should be dismissed pursuant to *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Roberts v. City of Shreveport*, 397 F.3d 287, 292 (5th Cir. 2005).

#### **SEVENTEENTH DEFENSE**

Although it does not appear that defendants have been sued in their individual capacities, to the extent there are or will be defendants sued in their individual capacities, these defendants assert they are entitled to qualified immunity. Likewise, in the event any action of defendants

deprived or caused a deprivation of plaintiffs' federally protected rights, which defendants deny, then all such actions by defendants were taken in good faith and with a reasonable belief that such actions were lawful and in compliance with then-existing law.

**EIGHTEENTH DEFENSE**

Plaintiffs, by their own conduct and/or admissions, are estopped from bringing some or all of the purported causes of action in the Complaint or recovering any damages or injunctive relief sought therein.

**NINETEENTH DEFENSE**

Each cause of action is barred, in whole or in part, because plaintiffs lack standing and/or do not have a private right of action to pursue the claims or the particular various relief alleged in the Complaint.

**TWENTIETH DEFENSE**

Plaintiff's claims are barred because plaintiffs have failed to state facts sufficient to constitute a claim against defendants.

**TWENTY-FIRST DEFENSE**

The Complaint, and each and every claim for relief contained therein, is barred, in whole or in part, to the extent that damages, if any, resulted from the acts and/or omissions of plaintiffs.

**TWENTY-SECOND DEFENSE**

Plaintiffs cannot establish that any of their claims are appropriate for class action treatment or representative action treatment. *Fed. R. Civ. P. 23.*

**TWENTY-THIRD DEFENSE**

The purported claims made by plaintiffs and the putative class on whose behalf plaintiffs purport to sue are precluded because the alleged conduct would have affected, if anyone, only an insubstantial number of putative class members.

**TWENTY-FOURTH DEFENSE**

The claims should be severed under *Fed. R. Civ. P.* 21.

**TWENTY-FIFTH DEFENSE**

Neither the Causes of Action alleged in the Complaint, nor any part of the allegations, may be certified as a class action pursuant to *Fed. R. Civ. P.* 23(b) (2). *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011).

**TWENTY-SIXTH DEFENSE**

The purported class cannot be certified under *Fed. R. Civ. P.* 23 because, inter alia, the purported class, class representatives and/or class counsel fail to meet the numerosity, typicality, commonality, adequate representation, superiority, and predominance requirements for class actions. *Fed. R. Civ. P.* 23(a). Plaintiffs cannot establish all the elements necessary for class certification in that, among other things: common issues of fact or law do not predominate, to the contrary, individual issues predominate; plaintiffs' claims are not representative or typical of the claims of the putative class; plaintiffs are not proper class representatives; and plaintiffs and alleged putative class counsel are not adequate representatives for the alleged putative class; there does not exist a well-defined community of interest as to the questions of law and fact involved. *Id.* The putative class is sufficiently manageable without implementing the class action mechanism and, therefore, it is not the superior method for adjudicating this dispute; and, the alleged putative class is not ascertainable, nor are its members identifiable.

**TWENTY-SEVENTH DEFENSE**

The purported claims made by plaintiffs and the putative class on whose behalf plaintiffs purport to sue are precluded or limited because plaintiffs and members the putative class failed to exhaust other available remedies or administrative procedures.

**TWENTY-EIGHTH DEFENSE**

This action is not properly maintainable as a class action because plaintiffs' claims are unique to plaintiffs, so they are incapable of adequately representing the putative class.

**TWENTY-NINTH DEFENSE**

Plaintiffs' claims, including those of the putative class, are barred or limited, in whole or in part, because defendants committed no violation of law. Thus, there are no underlying violations of a federal right held by the individual plaintiffs or putative class giving rise to liability under 42 U.S.C. § 1983.

**THIRTIETH DEFENSE**

At all times mentioned in the Complaint, defendants acted in self-defense and in defense of others.

**THIRTY-FIRST DEFENSE**

At all times mentioned in the Complaint, defendants acted with probable cause or had reasonable suspicion supporting their actions. In all other acts not requiring probable cause or reasonable suspicion, defendants had a legal basis for their actions.

**THIRTY-SECOND DEFENSE**

Defendants contend that plaintiffs willingly, voluntarily, and knowingly assumed each and every and all the risks and hazards involved in the activities referred to in the Complaint.



**THIRTY-THIRD DEFENSE**

Plaintiffs' claims are barred by the doctrines of collateral estoppel, judicial estoppel or res judicata.

**THIRTY-FOURTH DEFENSE**

Defendants assert that if they are adjudged, decreed or otherwise determined to be liable to plaintiffs, then in that event, defendants will be entitled to apportion the degree of their fault or responsibility for the described incident attributable to plaintiffs or other entities or persons, whether a party to the lawsuit or not. The amount of damages attributable to these answering defendants is to be abated, reduced or eliminated to the extent that plaintiffs' own negligence, or the negligence of any other entities or persons, whether party to the lawsuit or not, contributed to plaintiffs' claimed damages, if any there were. This apportionment of damages is to be administered in accordance with the principles of equity and pursuant to the doctrine of comparative negligence and pursuant to state law.

**THIRTY-FIFTH DEFENSE**

Defendants assert that plaintiffs were given, or had available to them, due process for each of the alleged deprivations and have therefore failed to state a claim on which relief can be granted under 42 U.S.C. § 1983.

**THIRTY-SIXTH DEFENSE**

Defendants contend that plaintiffs have failed to mitigate their damages, assuming they were damaged at all.

**THIRTY-SEVENTH DEFENSE**

There is no causal relationship or connection between defendants' alleged actions and the alleged injuries, including alleged deprivation of plaintiffs' federal rights. *Bd. of Cty. Comm'rs of Bryan Cty., Okl. v. Brown*, 520 U.S. 39 (1997).

### **THIRTY-EIGHTH DEFENSE**

Defendants assert that they are immune from liability under the common law, United States statutes, and the opinions of the state and federal courts interpreting these laws.

### **THIRTY-NINTH DEFENSE**

Defendants contend that they are not vicariously liable for any act or omission of another person by way of *respondeat superior* or otherwise.

### **FORTIETH DEFENSE**

Plaintiffs do not have standing for prospective or injunctive relief. *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983). Likewise, in the event that plaintiffs, including the putative class, are found to be entitled to any remedy, there is an adequate remedy at law. *Id.*

### **FORTY-FIRST DEFENSE**

Plaintiffs do not have a private right of action to bring any disparate-impact or effect-based claims. This includes any such claims under *Title VI of the Civil Rights Act of 1964*, see *Alexander v. Sandoval*, 532 U.S. 275 (2001), or any other federal constitutional provision or statute. To the extent they are found to have a private right of action for such claims, such right is unconstitutional.

### **FORTY-SECOND DEFENSE**

The allegations in Complaint, at best, illustrate episodic deprivation of federal rights and do not give rise to pattern-or-practice violations. *Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324 (1977); *Cooper v. Fed. Reserve Bank of Richmond*, 467 U.S. 867 (1984); *Puffer v. Allstate Ins. Co.*, 675 F.3d 709 (7<sup>th</sup> 2012).

### **FORTY-THIRD DEFENSE**

Defendants affirmatively plead the defense of assumption of the risk.

**FORTY-FOURTH DEFENSE**

Defendants affirmatively plead the defense of contributory negligence.

**FORTY-FIFTH DEFENSE**

To the extent it applies, defendants affirmatively plead the decision in *Heck v. Humphrey*, 512 U.S. 477 (1994).

**FORTY-SIXTH DEFENSE**

Defendants adopt any and all defenses of, or claimed by, its co-defendants, which are applicable to defendants and that are subsequently be asserted.

**FORTY-SEVENTH DEFENSE**

To the extent applicable, defendants assert all applicable abstention doctrines, including *Younger* abstention set forth in *Younger v. Harris*, 401 U.S. 37 (1971).

**PRELIMINARY STATEMENT**

1. Defendants deny the allegations in paragraph 1 of the Complaint. Defendants would show that the deputies hired by Sheriff Tucker during his tenure as Sheriff of Madison County have all been trained to apply the laws of the State of Mississippi and the United States of America equally to all and have attended mandatory training teaching them the proper treatment of citizens for the purpose of protecting their civil rights.
2. Defendants deny the allegations in paragraph 2 of the Complaint.
3. Defendants deny the allegations in paragraph 3 of the Complaint. Defendants would show that since Sheriff Tucker was elected Sheriff of Madison County, Mississippi, he has implemented and conducted community programs in the schools to make sure the students are well informed about what his office does to protect all citizens, Black or White, and to ensure that his office establishes a good relationship with these students. Upon entry to office, Sheriff Tucker

also created a Madison County Community Advisory Group comprised of citizens, business owners, homeowners and others, both Black and White, to meet together and to discuss any and all concerns all citizens have in regard to the activities of the Madison County Sheriff's Department. One of the purposes for his creating this Group was to improve race relations in Madison County, which has been one of his main objectives since being elected to office.

Sheriff Tucker has also received multiple requests since taking office from the Canton, Mississippi Police Department, managers of various apartment complexes and housing projects in predominately Black neighborhoods in both Madison County and the City of Canton, and many businesses asking that the Madison County Sheriff's Department conduct roadblocks near their neighborhoods and businesses. The Sheriff's Department has also been asked by these same entities, as well as schools within the Madison County School District, to patrol their streets, neighborhoods or schools in an effort to control criminal activity and to control the distribution and use of drugs and contraband. Sheriff Tucker has honored these requests and has been thanked for his service to these areas, businesses, and schools.

4. Defendants deny the allegations in paragraph 4 of the Complaint. According to information obtained by Sheriff Tucker since this action was filed, roadblocks set up by the Madison County Sheriff's Department during the last three years were almost equally located in the southern part of Madison County, which would have included the cities of Ridgeland, Madison, and Gluckstadt, and the northern part of Madison County, which would have included the City of Canton. Further, the Sheriff's Department does not set up "pedestrian" checkpoints, does not conduct warrantless searches of the homes of Black residents, and does not conduct "jump out" patrols. Instead, the Sheriff's Department utilizes patrols known as the "NET" or Neighborhood Enhancement Team. These teams do not concentrate their patrols to Black neighborhoods; instead,

they are used in all facets of law enforcement in Madison County and are conducted throughout the County, regardless of the racial make-up of an areas. For example, they are disbursed at night in neighborhoods to combat crimes such as automobile break-ins, vandalism, and burglaries when these crimes are reported on a regular basis. They are also used in apartment complexes and on streets and highways for the purpose of combating crime and protecting residents from criminal activities.

5. Defendants deny the allegations in paragraph 5 of the Complaint.

6. Defendants deny the allegations in paragraph 6 of the Complaint.

7. Defendants deny the allegations in paragraph 7 of the Complaint.

8. Defendants deny the allegations in paragraph 8 of the Complaint. Sheriff Tucker cannot respond to the allegations in this paragraph concerning his predecessors in office, but, as set forth in defendants' answer to paragraph 3, *supra*, Sheriff Tucker has taken many steps to ensure that the Black community has input into the daily operations of the Madison County Sheriff's Department through various means since he was elected Sheriff in 2012.

9. Defendants deny the allegations in paragraph 9 of the Complaint. First, according to the 2010 Census data referred to by plaintiffs, the racial make-up of the unincorporated areas of Madison County should be examined rather than that of the entire County since the Madison County Sheriff's Department is primarily responsible for serving these unincorporated areas with law enforcement. According to a review of the 2010 Census data, the racial make-up in these unincorporated areas is essentially the same insofar as Black residents versus White residents. Further, even though the Sherriff's Department is frequently asked by the cities of Canton and Flora for help due to the lack of manpower in their police departments, the addition of the

population in these cities to the unincorporated areas within Madison County only shows a small percentage difference in the racial make-up of these combined areas.

10. Defendants deny the allegations in paragraph 10. First, the Madison County Sheriff's Department does not conduct pedestrian stops. Second, defendants refer to their response to paragraph 4 and deny that the roadblocks conducted by the Madison County Sheriff's Department target one neighborhood over the other, Black or White. The roadblocks conducted by the Sheriff's Department over the last three years show that they were evenly disbursed throughout Madison County. Further, according to Sheriff's Department policies, each vehicle was stopped and certain information was uniformly obtained during these roadblocks. Normally, every vehicle was stopped, but when traffic became backed-up, every second, third or fourth vehicle was uniformly stopped in order to accommodate motorists having to wait at these roadblocks. Any differences in the number of Black individuals and White individuals arrested during these roadblocks is irrelevant to the location of these roadblocks. Instead, these arrests were based on each individual arrested and whether probable cause existed for their arrest or whether a warrant was outstanding for their arrest.

11. Defendants deny the allegations in paragraph 11 of the Complaint. The arrest of any individual during any roadblock conducted by the Madison County Sheriff's Department is based on the officer's determination of probable cause or on an existing warrant for that arrest. As to certain vehicle infractions noted by the officers during these roadblocks, only citations are given, not arrest warrants, and these are given based on the officer's observation of each vehicle and its driver, not on the basis of the driver's race or any amount of income obtained through the courts, over which the Sheriff's Department has no control.

12. Defendants deny the allegations in paragraph 12 of the Complaint.

13. Defendants deny the allegations in paragraph 13 of the Complaint.

14. Defendants deny the allegations in paragraph 14 of the Complaint.

15. Defendants deny the allegations in paragraph 15 of the Complaint, including sub-parts (1) through (4). Defendants would show that the Madison County Sheriff's Department has investigated all complaints of misconduct by any personnel of the Madison County Sheriff's Department and has screened all applicants for work with the Department. The Sheriff's Department has also dismissed any deputy who has exhibited the propensity to use excessive force or who does not exhibit the necessary prerequisites to being a deputy with the Department. Further, the Department regularly posts the locations of roadblocks for the public to view prior to those roadblocks being enforced.

16. Defendants deny the allegations in paragraph 16 of the Complaint. Madison County through the Madison County Board of Supervisors has held itself out to receive any and all complaints about any constitutional violation claimed by an individual or group of individuals and makes its meetings open to the public to hear any such complaints.

17. Defendants deny the allegations in paragraph 17 of the Complaint, including sub-parts (a) through (d).

18. Defendants deny the allegations in paragraph 18 of the Complaint. Madison County expressly denies that any systematic targeting of Black citizens in Madison County exists through the Madison County Sheriff's Department.

19. Defendants deny the allegations in paragraph 19 of the Complaint. Defendants deny that any of the named plaintiffs in the Complaint have suffered any violation of their constitutional rights through any actions of the Madison County Sheriff's Department, including

any unconstitutional searches and seizures, and deny that any class of plaintiffs exists for the certification of a class in this action.

20. Other than admitting that Madison County, Mississippi and Sheriff Tucker, in his official capacity, have been named defendants to the Complaint, defendants deny the allegations in paragraph 20 of the Complaint.

21. Defendants deny the allegations in paragraph 21 of the Complaint.

22. Defendants deny the allegations in paragraph 22 of the Complaint.

23. Defendants deny the allegations in paragraph 23 of the Complaint and specifically deny that any named plaintiff is entitled to damages against them.

24. Defendants deny the allegations in paragraph 24 of the Complaint.

#### **JURISDICTION & VENUE**

25. Admitted to the extent this action is brought pursuant to 42 U.S.C. § 1983. Defendants deny that this action qualifies to be brought pursuant to 42 U.S.C. 12132, which is a provision of the Americans with Disabilities Act of 1990.

26. Admitted.

27. Admitted.

28. Admitted to the extent that 42 U.S.C. § 1988(b) grants federal courts discretion to award attorney's fees in certain, qualified instances. Otherwise, all remaining allegations contained in paragraph 28 are denied.

29. Admitted.

#### **JURY DEMAND**

30. Defendants deny the allegations in paragraph 30 of the Complaint.



**PARTIES**

**Plaintiffs**

31. Defendants lack sufficient knowledge to respond to the allegations in paragraph 31 of the Complaint, and, therefore, they deny those allegations.
32. Defendants lack sufficient knowledge to respond to the allegations in paragraph 32 of the Complaint, and, therefore, they deny those allegations.
33. Defendants lack sufficient knowledge to respond to the allegations in paragraph 33 of the Complaint, and, therefore, they deny those allegations.
34. Defendants lack sufficient knowledge to respond to the allegations in paragraph 34 of the Complaint, and, therefore, they deny those allegations.
35. Defendants lack sufficient knowledge to respond to the allegations in paragraph 35 of the Complaint, and, therefore, they deny those allegations.
36. Defendants lack sufficient knowledge to respond to the allegations in paragraph 36 of the Complaint, and, therefore, they deny those allegations.
37. Defendants lack sufficient knowledge to respond to the allegations in paragraph 37 of the Complaint, and, therefore, they deny those allegations.
38. Defendants lack sufficient knowledge to respond to the allegations in paragraph 38 of the Complaint, and, therefore, they deny those allegations.
39. Defendants lack sufficient knowledge to respond to the allegations in paragraph 39 of the Complaint, and, therefore, they deny those allegations.
40. Defendants lack sufficient knowledge to respond to the allegations in paragraph 40 of the Complaint, and, therefore, they deny those allegations.

**Defendants**

41. Other than admitting that Madison County, Mississippi is a political subdivision of the State of Mississippi, that Madison County receives some federal funding, that the Madison County Board of Supervisors is comprised of five members, and each members is elected from a specific district within the County, defendants deny the allegations in paragraph 41 of Complaint.

42. Other than admitting that Randall Tucker has been the Sheriff of Madison County, Mississippi since January 2012, and that he is responsible for hiring the personnel of the Madison County Sheriff's Department, defendants deny the allegations in paragraph 42 of the Complaint.

43. Defendants deny the allegations in paragraph 43 of the Complaint.

44. Defendants deny the allegations in paragraph 44 of the Complaint.

45. Defendants deny the allegations in paragraph 45 of the Complaint.

**GENERAL ALLEGATIONS**

**I. A Brief Overview of Madison County, Mississippi**

46. Defendants deny the allegations in paragraph 46 of the Complaint. Defendants would show that the total racial make-up of Madison County is irrelevant to the issues in this matter since the Madison County Sheriff's Department is charged with providing law enforcement services to the unincorporated areas of Madison County, which are comprised equally of Black citizens and White citizens.

47. Defendants deny the allegations in paragraph 47 of the Complaint. Defendants would show that any comment by the Fifth Circuit Court of Appeals about the student population found in Madison County Schools more than 10 years ago is irrelevant to the general population of the citizens of the unincorporated areas of Madison County at the present time where the Madison County Sheriff's Department provides law enforcement.

48. Defendants deny the allegations in paragraph 48 of the Complaint. Defendants would show that the racial make-up of the cities of Madison and Ridgeland, Mississippi are irrelevant to the law enforcement services offered by the Madison County Sheriff's Department since these cities are not provided law enforcement by the Sheriff's Department except under special and/or limited circumstances upon request. Defendants would further show that plaintiffs' references to the racial make-up of the cities of Canton and Flora are irrelevant to the law enforcement services offered by the Sheriff's Department that are at issue in this action. While the Sheriff's Department, at the request of both these cities' police departments, provides some law enforcement services to Canton and Flora because of their inability to provide those services effectively at times, the racial make-up of the entire areas serviced by the Sheriff's Department does not indicate the racial differences alleged in this paragraph.

49. Defendants deny the allegations in paragraph 49 of the Complaint.

50. Defendants deny the allegations in paragraph 50 of the Complaint.

## II. The MCSD's Policing Program

51. Defendants deny the allegations in paragraph 51 of the Complaint. Defendants would further show that the information contained in this paragraph is irrelevant to the law enforcement services provided by the Madison County Sheriff's Department since its services are not based on the income of any resident who is a recipient of its services.

52. Defendants deny the allegations in paragraph 52 of the Complaint.

53. Defendants deny the allegations in paragraph 53 of the Complaint.

54. Defendants deny the allegations in paragraph 54 of the Complaint.

55. Defendants deny the allegations in paragraph 55 of the Complaint.

56. Defendants deny the allegations in paragraph 56 of the Complaint.

**A. Pretextual and Highly Intrusive Vehicular Roadblocks**

57. Defendants deny the allegations in paragraph 57 of the Complaint.

58. Defendants deny the allegations in paragraph 58 of the Complaint.

59. Defendants deny the allegations in paragraph 59 of the Complaint. As averred by defendants in their response to paragraph 10, each roadblock conducted by the Madison County Sheriff's Department is conducted in the same uniform way without regard to race.

60. Defendants deny the allegations in paragraph 60 of the Complaint.

61. Defendants deny the allegations in paragraph 61 of the Complaint.

62. Defendants deny the allegations in paragraph 62 of the Complaint. Defendants would show that the Madison County Sheriff's Department, while sometimes assisting the cities of Ridgeland and Madison in conducting roadblocks, is rarely requested to assist these cities' police departments because they have sufficient personnel and manpower to conduct their own roadblocks.

63. Defendants deny the allegations in paragraph 63 of the Complaint. Defendants would show that all personnel who conduct roadblocks for the Madison County Sheriff's Department are required to wear reflective or other identifying vests and to use certain lighting for their safety and the safety of the drivers who are stopped during these roadblocks.

64. Defendants lack sufficient information to respond to the allegations in paragraph 64 of the Complaint and, therefore, they deny those allegations. Defendants would show that had this isolated incident occurred, the deputy in question was not acting according to the policies of the Madison County Sheriff's Department.

65. Defendants deny the allegations in paragraph 65 of the Complaint.

66. Defendants deny the allegations in paragraph 66 of the Complaint.

67. Defendants deny the allegations in paragraph 67 of the Complaint.

68. Defendants deny the allegations in paragraph 68 of the Complaint.

69. Defendants deny the allegations in paragraph 69 of the Complaint.

70. Defendants deny the allegations in paragraph 70 of the Complaint. Defendants would show that the Roadblock Notice referenced in this paragraph was taken down the same day it was posted once the Sheriff's Department was alerted to its content.

71. Defendants deny the allegations in paragraph 71 of the Complaint.

72. Defendants deny the allegations in paragraph 72 of the Complaint.

73. Defendants deny the allegations in paragraph 73 of the Complaint.

74. Defendants lack sufficient information as to the existence of some private Facebook page referenced in paragraph 74 of the Complaint and, therefore, deny the allegations in the first three sentences of this paragraph. Defendants deny the remaining allegations in paragraph 74.

75. Defendants deny the allegations in paragraph 75 of the Complaint.

**1. The Primary Purpose of the MCSD's System of Roadblocks Is to Target Black Motorists for Unreasonable Searches and Seizures**

76. To the extent that the first sentence of paragraph 76 of the Complaint seeks to interpret the decision found in *Edmond*, defendants deny any allegation that is inconsistent with that decision. Defendants deny the remaining allegations in paragraph 76.

77. Defendants deny the allegations in paragraph 77 of the Complaint.

78. Defendants deny the allegations in paragraph 78 of the Complaint.

79. Defendants deny the allegations in paragraph 79 of the Complaint.

80. Defendants deny the allegations in paragraph 80 of the Complaint.

**B. Suspicionless Searches and Seizures of Black Pedestrians**

81. Defendants deny the allegations in paragraph 81 of the Complaint.

82. Defendants deny the allegations in paragraph 82 of the Complaint.

83. Defendants deny the allegations in paragraph 83 of the Complaint.

84. Defendants deny the allegations in paragraph 84 of the Complaint.

85. Defendants deny the allegations in paragraph 85 of the Complaint.

86. Defendants deny the allegations in paragraph 86 of the Complaint.

87. Defendants deny the allegations in paragraph 87 of the Complaint.

88. Defendants deny the allegations in paragraph 88 of the Complaint.

89. Other than admitting that the plaintiff, Steven Smith, was arrested in January 2017 on outstanding warrants for his arrest while walking inside Canton Estates Apartments by deputies with the Madison County Sheriff's Department who were performing a foot or walk-through patrol at the request of its manager, defendants deny the allegations in paragraph 89 of the Complaint. Defendants would show that Mr. Smith was walking with another individual at the time he was stopped, and that both Mr. Smith and that individual had their hands in their pockets. When both were asked to remove their hands from their pockets by a deputy for safety reasons, the individual with Mr. Smith admitted that he had a concealed weapon on him. After checking whether the individual had a conceal-carry weapon permit and learning that no record existed showing a valid permit, that individual was arrested. After checking Mr. Smith's identification and running a warrants check, the deputies discovered that he had two outstanding warrants for his arrest. As required by Mississippi law, Mr. Smith, along with the individual who was illegally carrying a concealed weapon, were arrested.

90. Defendants deny the allegations in paragraph 90 of the Complaint.

C. **Warrantless and Consentless Searches of the Homes of Black Residents**

91. Defendants deny the allegations in paragraph 91 of the Complaint. Defendants specifically deny that they conduct pedestrian checkpoints.

92. Defendants deny the allegations in paragraph 92 of the Complaint.

93. Defendants deny the allegations in paragraph 93 of the Complaint, including subparagraphs a) through d). As to the allegations in subparagraph (a), Mr. Manning was asked to write a witness statement concerning a burglary that he, as well as his wife, had been observed witnessing. Mr. Manning was told that if he did not cooperate and provide the statement, he would be arrested for being accomplice in the crime. Mr. Manning was handcuffed after he was detained, but no unreasonable force was exercised against him while he was being detained.

As to the circumstances surrounding Mr. Blackmon's detainment referenced in subparagraph (b), the deputies who came to Mr. Blackmon's home had an outstanding warrant in their hands for the arrest of the plaintiff, Anthony Green, for failure to pay child support. The address on that warrant was Mr. Green's correct address and, in fact, he was arrested at that address pursuant to this same warrant one month later. After a deputy knocked on Mr. Blackmon's door, Mr. Blackmon opened the door and, after seeing the deputy, slammed the door shut. The deputy in question concluded by Mr. Blackmon's actions that he was Anthony Green, proceeded to place the written warrant up against the front window of the house, and again asked the individual he thought was Green to open the door. After Mr. Blackmon refused to open door, the deputy kicked the door open. Mr. Blackmon then ran into another room, which resulted in that deputy's pulling his gun and ordering Blackmon to lie on the floor. That deputy then proceeded to place handcuffs on Mr. Blackmon for both his and Mr. Blackmon's safety. Mr. Blackmon continued to refuse to give the deputies his name, and suddenly, another man walked into the room holding a loaded gun.

After disarming that man, the deputies attempted to remove the handcuffs from Blackmon, but the keys they had did not work, so they had to have another deputy come to the scene with another set of keys. While still handcuffed, Mr. Blackmon told the deputy who had handcuffed him that “he was going to sue [my] white cracker ass like he did my bitch ass boss Randy Tucker.” Mr. Blackmon was not arrested during the incident.

As to the allegations concerning Mr. Smith in subparagraph (c), defendants have no record whatsoever of the incident and deny those allegations. Finally, as to the allegations concerning Mrs. Tucker about an incident that occurred several years ago, defendants have no record whatsoever of that incident and deny those allegations.

94. Defendants deny the allegations in paragraph 94 of the Complaint.

95. Defendants deny the allegations in paragraph 95 of the Complaint.

96. Defendants deny the allegations in paragraph 96 of the Complaint.

**D. “Jump Out” Patrols**

97. Defendants deny the allegations in paragraph 97 of the Complaint.

98. Defendants deny the allegations in paragraph 98 of the Complaint.

99. Defendants deny the allegations in paragraph 99 of the Complaint.

100. Defendants deny the allegations in paragraph 100 of the Complaint.

101. Defendants deny the allegations in paragraph 101 of the Complaint, including subparagraphs a) through b).

102. Defendants deny the allegations in paragraph 102 of the Complaint.

103. Defendants deny the allegations in paragraph 103 of the Complaint.

104. Defendants deny the allegations in paragraph 104 of the Complaint.



**III. Race-Based Statistical Disparities in Policing Outcomes Provide Compelling Evidence of the MCSD's Policing Program**

- 105. Defendants deny the allegations in paragraph 105 of the Complaint.
- 106. Defendants deny the allegations in paragraph 106 of the Complaint.
- 107. Defendants deny the allegations in paragraph 107 of the Complaint.
- 108. Defendants deny the allegations in paragraph 108 of the Complaint.
- 109. Defendants deny the allegations in paragraph 109 of the Complaint.
- 110. Defendants deny the allegations in paragraph 110 of the Complaint.
- 111. Defendants deny the allegations in paragraph 111 of the Complaint.

**IV. The MCSD's Policing Program Is Longstanding and Deeply-Entrenched**

112. Defendants deny the allegations in paragraph 112 of the Complaint. Defendants would show that Sheriff Tucker became Sheriff of Madison County in January 2012 and, afterward, took great efforts to communicate and coordinate with both the Black and White communities regarding the services of the Madison County Sheriff Department. They deny that any services offered and performed by the Madison County Sheriff's Department are unconstitutional or racially-based.

113. Defendants deny the allegations in paragraph 113 of the Complaint. Defendants submit that any actions taken by Sheriff Tucker's predecessors in office during the Civil Rights Era have absolutely nothing to do with how Sheriff Tucker has performed his duties since being elected in 2012.

114. Defendants deny the allegations in paragraph 114 of the Complaint. Defendants submit that any actions taken by Sheriff Noble or any consent judgment entered against him regarding the operation of the former Madison County Jail are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

115. Defendants deny the allegations in paragraph 115 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

116. Defendants deny the allegations in paragraph 116 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

117. Defendants deny the allegations in paragraph 117 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time barred by the applicable statute of limitations.

118. Defendants deny the allegations in paragraph 118 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

119. Defendants deny the allegations in paragraph 119 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

120. Defendants deny the allegations in paragraph 120 of the Complaint.

121. Defendants deny the allegations in paragraph 121 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

122. Defendants deny the allegations in paragraph 122 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

123. Defendants deny the allegations in paragraph 123 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

124. Defendants deny the allegations in paragraph 124 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

125. Other than admitting that the Madison County Board of Supervisors authorized the Madison County Sheriff's Department to use State of Mississippi Grant money for roadblocks, defendants deny the allegations in paragraph 125 of the Complaint.

126. Defendants deny the allegations in paragraph 126 of the Complaint.

127. Defendants lack sufficient information to respond to the allegations in the first sentence of paragraph 127, and, therefore they deny those allegations. Defendants deny the remaining allegations in paragraph 127 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

128. Defendants lack sufficient information to respond to the allegations in the first sentence of paragraph 128, and, therefore they deny those allegations. Defendants deny the remaining allegations in paragraph 128 of the Complaint. Defendants submit that any actions taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

129. Defendants lack sufficient information to respond to the allegations in the first sentence of paragraph 129, and, therefore they deny those allegations. Defendants deny the remaining allegations in paragraph 129 of the Complaint. Defendants submit that any actions

taken by former Sheriff Trowbridge are irrelevant to the issues in this matter and are time-barred by the applicable statute of limitations.

130. Defendants deny the allegations in paragraph 130 of the Complaint.

131. Defendants deny the allegations in paragraph 131 of the Complaint.

132. Defendants deny the allegations in paragraph 132 of the Complaint.

133. Defendants admit the allegations in paragraph 133 of the Complaint.

V. **Sheriff Tucker Has Adopted, Implemented, and Expanded the Policing Program**

134. Defendants deny the allegations in paragraph 134 of the Complaint.

135. Defendants deny the allegations in paragraph 135 of the Complaint.

136. Defendants deny the allegations in paragraph 136 of the Complaint.

137. Defendants deny the allegations in paragraph 137 of the Complaint.

A. **Sheriff Tucker Has Entered a Written Roadblock Policy That Sanctions Unconstitutional Racially Discriminatory Roadblocks**

138. Defendants deny the allegations in paragraph 138 of the Complaint.

139. Defendants deny the allegations in paragraph 139 of the Complaint.

140. Other than admitting that the language found in subparagraphs a. through c. can be

found in the “General Roadblocks” subsection of the existing policies for conducting roadblocks for the Madison County Sheriff’s Department, defendants deny the remaining allegations in paragraph 140 of the Complaint. Defendants would show that all roadblocks conducted by the Madison County Sheriff’s Department are conducted pursuant to the Department’s Sobriety Checkpoint Guidelines. Defendants would further show that the Sheriff’s Department was required to include the more detailed language in the “sobriety” portion of the policies by the State of Mississippi after receiving grant monies. Despite the differences of certain language in the Department’s roadblock policies, all roadblocks executed in Madison County by the Madison

County Sheriff's Department are conducted under the guidelines of the Sobriety Checkpoint Guidelines.

141. Defendants deny the allegations in paragraph 141 of the Complaint and refer plaintiffs to their response to paragraph 140 above.

142. Defendants deny the allegations in paragraph 142 of the Complaint.

143. Defendants deny the allegations in paragraph 143 of the Complaint.

144. Defendants deny the allegations in paragraph 144 of the Complaint.

145. Defendants deny the allegations in paragraph 145 of the Complaint.

VI. **Sheriff Tucker Has Been Deliberately Indifferent to the Constitutional Violations Caused by the Policing Program**

146. Defendants deny the allegations in paragraph 146 of the Complaint.

147. Defendants deny the allegations in paragraph 147 of the Complaint, including sub-

parts (1) through (5) of that paragraph.

A. **On Information and Belief, Sheriff Tucker Failed to Investigate an MCSD Deputy's Claim of Unconstitutional Racially Discriminatory Policing Practices**

148. Defendants deny the allegations in paragraph 148 of the Complaint.

149. Defendants deny the allegations in paragraph 149 of the Complaint.

150. Defendants deny the allegations in paragraph 150 of the Complaint and would show that the claims asserted by Mr. Gibson in his lawsuit are best determined by a review of his complaint filed in that action.

151. Defendants have denied Mr. Gibson's allegations against them in his lawsuit filed against them and now deny those same allegations as set forth in paragraph 151 of the Complaint.

**B. Sheriff Tucker Hired a Deputy with a Documented History of Misconduct Involving Excessive Use of Force**

152. Defendants deny the allegations in paragraph 152 of the Complaint.

153. Defendants deny the allegations in paragraph 153 of the Complaint.

154. Defendants deny the allegations in paragraph 154 of the Complaint.

155. Defendants deny the allegations in paragraph 155 of the Complaint.

156. Other than admitting that Deputy Moore is a deputy with the Madison County Sheriff's Department, defendants deny the allegations in paragraph 156 of Complaint.

157. Defendants deny the allegations in paragraph 157 of the Complaint.

**C. Sheriff Tucker Has Not Established any Rules or Regulations Prohibiting Racial Bias in Policing**

158. Defendants deny the allegations in paragraph 158 of the Complaint.

159. Defendants deny the allegations in paragraph 159 of the Complaint.

160. Defendants deny the allegations in paragraph 160 of the Complaint.

**D. Sheriff Tucker Does Not Maintain Even Basic Data on the MCSD's Policing Practices or Municipal Crime Statistics**

161. Defendants deny the allegations in paragraph 161 of the Complaint. Defendants would show that Sheriff Tucker is not required under existing law to create the data addressed by plaintiffs in this paragraph, but the Sheriff's Department does report certain crime statistics to the FBI pursuant to its request.

162. Defendants deny the allegations in paragraph 162 of the Complaint.

163. Defendants deny the allegations in paragraph 163 of the Complaint. The Madison County Sheriff's Department gives notice to the public of each roadblock it conducts, but it is not required under any existing law to keep records on these locations. Since the Complaint was filed in this action, Sheriff Tucker has obtained information on the location of all roadblocks conducted

by the Madison County Sheriff's Department for three years prior to the filing of the Complaint. The percentages of roadblocks located in certain parts of Madison County are provided in its response to paragraph 4 of the Complaint.

164. Defendants deny the allegations in paragraph 164 of the Complaint.

165. Defendants deny the allegations in paragraph 165 of the Complaint.

E. **Sheriff Tucker Has Stopped Keeping Records of Complaints Against MCSD Deputies**

166. Defendants deny the allegations in paragraph 166 of the Complaint. The complaint form referred to in paragraph 166, which Sheriff Tucker does not use, was never a form used by citizens while lodging a complaint against a deputy. Under Sheriff Tucker's tenure as Sheriff of Madison County, citizens are encouraged and instructed to report any complaints directly to the Sheriff's Department, and once received either in writing or orally, each complaint is reviewed by the same individual, who, in turn, investigates the complaint.

167. Defendants deny the allegations in paragraph 167 of the Complaint. Sheriff Tucker does receive and review complaints made against his officers. If a complaint is acted upon by the Sheriff's Department, investigatory or internal narrative reports or memos are placed in the officer's personnel file, which is exempt under the Mississippi Public Records Act. Therefore, the Sheriff's statement in response to a public records request by the ACLU-MS that he "does not maintain a file for these complaints" was correct. He does not maintain a general file for all complaints made against his officers.

168. Defendants deny the allegations in paragraph 168 of the Complaint.

VII. **The Board of Supervisors Has Been Deliberately Indifferent to the Constitutional Violations Caused by the Policing Program**

169. Defendants deny the allegations in paragraph 169 of the Complaint.

170. Other than admitting that the Madison County Board of Supervisors is comprised of five members, who are elected from their respective districts within the County, defendants deny the allegations in paragraph 170 of the Complaint.

171. Defendants deny the allegations in paragraph 171 of the Complaint, including sub-parts a) through c).

172. Defendants deny the allegations in paragraph 172 of the Complaint.

173. Defendants deny the allegations in paragraph 173 of the Complaint, including sub-parts (a) through (d).

174. Defendants deny the allegations in paragraph 174 of the Complaint.

**VIII. The Policing Program Has Caused Thousands of Constitutional Violations**

175. Defendants deny the allegations in paragraph 175 of the Complaint.

176. Defendants deny the allegations in paragraph 176 of the Complaint.

177. Defendants deny the allegations in paragraph 177 of the Complaint.

**ALLEGATIONS OF CLASS REPRESENTATIVES**

178. Defendants deny the allegations in paragraph 178 of the Complaint.

179. Defendants deny the allegations in paragraph 179 of the Complaint.

180. Defendants deny the allegations in paragraph 180 of the Complaint.

**Latoya Brown**

181. Defendants lack sufficient knowledge to respond to the allegations in paragraph 181 of the Complaint, and, therefore, they deny those allegations.

182. Defendants deny the allegations in paragraph 182 of the Complaint, and specifically deny that the Madison County Sheriff's Department conducts pedestrian checkpoints.



**a. Pedestrian “Checkpoints”**

183. Defendants deny the allegations in paragraph 183 of the Complaint.

184. Defendants deny the allegations in paragraph 184 of the Complaint.

**b. Suspicionless Pedestrian Stop**

185. Defendants lack sufficient knowledge to respond to the allegations in paragraph 185 of the Complaint and, therefore, deny those allegations. Defendants would show that in the past year, Ms. Brown has called the Sheriff’s Department on three (3) separate occasions to complain of suspicious activity in Madison County, Mississippi. In April 2017, she complained of seeing black males walking in an area of rural Madison County while drinking beer and smoking marijuana. The Sheriff’s Department responded to her call and made arrests. During that same month, Ms. Brown reported to the Sheriff’s Department that the plaintiff, Steven Smith, had taken personal property from her apartment and choked her. The Sheriff’s Department responded to her call. Further, in November 2014, Ms. Brown called the Sheriff’s Department to report a suspicious vehicle in her housing complex, and in June 2011, she called the Sheriff’s Department to complain of men gambling in front of her apartment. In February 2011, Ms. Brown called to report that she had heard gunshots in her housing complex, and the Sheriff’s Department responded to her call. Ms. Brown made additional calls for help to the Sheriff’s Department in July 2010, when she complained that a group of black males were shooting at each other in her apartment complex and identified one of the shooters. Her call resulted in an arrest of the shooter and his brother. Finally, Ms. Brown called the Sheriff’s Department in December 2009 and reported that her mother was fighting with her at her housing project. The Sheriff’s Department also responded to this call. Defendants find it ironic that Ms. Brown has asked for help from the Sheriff’s Department on six different occasions because of suspicious activities or crimes that were occurring in the same

housing complex where she is now complaining that she was stopped once and asked for identification by a deputy patrolling the complex at the request of its manager.

186. Defendants deny the allegations in paragraph 186 of the Complaint.

187. Defendants deny the allegations in paragraph 187 of the Complaint.

**c. Roadblocks**

188. Defendants deny the allegations in paragraph 188 of the Complaint.

189. Defendants deny the allegations in paragraph 189 of the Complaint.

190. Defendants deny the allegations in paragraph 190 of the Complaint.

**Lawrence Blackmon**

191. Defendants lack sufficient information to respond to the allegations in paragraph 191 of the Complaint, and, therefore, deny them.

192. Defendants deny the allegations in paragraph 192 of the Complaint. Defendants adopt their response to paragraph 93 in response to this paragraph and the subsequent paragraphs describing the incident involving Mr. Blackmon.

**a. Home Search; Use of Force**

193. Defendants deny the allegations in paragraph 193 of the Complaint.

194. Defendants deny the allegations in paragraph 194 of the Complaint.

195. Defendants deny the allegations in paragraph 195 of the Complaint.

196. Defendants deny the allegations in paragraph 196 of the Complaint.

197. Defendants deny the allegations in paragraph 197 of the Complaint.

198. Other than agreeing that the deputies who had initially handcuffed Mr. Blackmon while executing their arrest warrant could not unlock the handcuffs, and that they had to call

another deputy to bring a different key, defendants deny the allegations in paragraph 198 of the Complaint.

199. Defendants admit the allegations in paragraph 199 of the Complaint.

200. Defendants deny the allegations in paragraph 200 of the Complaint.

**b. Roadblocks**

201. Defendants lack sufficient information to respond to the allegations in paragraph 201 of the Complaint, and, therefore, they deny those allegations.

202. Defendants deny the allegations in paragraph 202 of the Complaint.

203. Defendants deny the allegations in paragraph 203 of the Complaint.

204. Defendants deny the allegations in paragraph 204 of the Complaint.

**Herbert Anthony Green**

205. Defendants lack sufficient information to respond to the allegations in paragraph 205 of the Complaint, and, therefore, they deny those allegations.

206. Defendants deny the allegations in paragraph 206 of the Complaint.

**a. "Jump Out" Patrol**

207. Defendants deny the allegations in paragraph 207 of the Complaint, and specifically deny that the Madison County Sheriff's Department conducts "jump out" patrols.

208. Defendants deny the allegations in paragraph 208 of the Complaint.

209. Defendants deny the allegations in paragraph 209 of the Complaint.

**Khadafy and Quinnetta Manning**

210. Defendants lack sufficient knowledge to respond to the allegations in paragraph 210 of the Complaint and, therefore, they deny those allegations. Although the Mannings do not reveal in this paragraph where they live in Canton, defendants would show that they live at Canton

Estates Apartments, one of the housing complexes in Madison County where the Sheriff's Department, at the request of the manager of the apartments, performs foot patrols. According to a lawsuit filed by Mr. Manning, the apartments are "subject to regular criminal activities which pose a danger to their residents and their invited guests," and present an "atmosphere of criminal activity." As to criminal activity, Mr. Manning has been arrested by law enforcement over 20 times in the State of Mississippi and has had criminal charges lodged against him in the State of Missouri.

211. Defendants deny the allegations in paragraph 211 of the Complaint. An accurate description of the incident involving Mr. Manning is set forth in defendants' response to paragraph 93 of their Answer. They adopt that response in response to this paragraph.

**a. Home Invasion; Use of Force**

212. Defendants deny the allegations in paragraph 212 of the Complaint.

213. Defendants deny the allegations in paragraph 213 of the Complaint.

214. Defendants admit the allegations in paragraph 214 of the Complaint. The deputies who entered the Mannings' apartment were pursuing Mr. and Mrs. Manning because both of them were observed helping another individual break into an apartment below them.

215. Defendants deny the allegations in paragraph 215 of the Complaint.

216. Defendants deny the allegations in paragraph 216 of the Complaint.

217. Defendants deny the allegations in paragraph 217 of the Complaint.

218. Defendants deny the allegations in paragraph 218 of the Complaint.

219. Defendants deny the allegations in paragraph 219 of the Complaint.

220. Defendants deny the allegations in paragraph 220 of the Complaint.

221. Defendants deny the allegations in paragraph 221 of the Complaint.

- 222. Defendants deny the allegations in paragraph 222 of the Complaint.
- 223. Defendants deny the allegations in paragraph 223 of the Complaint.
- 224. Defendants deny the allegations in paragraph 224 of the Complaint.
- 225. Defendants deny the allegations in paragraph 225 of the Complaint.
- 226. Defendants deny the allegations in paragraph 226 of the Complaint.
- 227. Defendants deny the allegations in paragraph 227 of the Complaint.
- 228. Defendants deny the allegations in paragraph 228 of the Complaint.
- 229. Defendants deny the allegations in paragraph 229 of the Complaint.
- 230. Defendants deny the allegations in paragraph 230 of the Complaint.
- 231. Defendants deny the allegations in paragraph 231 of the Complaint.
- 232. Defendants deny the allegations in paragraph 232 of the Complaint.
- 233. Defendants deny the allegations in paragraph 233 of the Complaint.
- 234. Defendants deny the allegations in paragraph 234 of the Complaint.
- 235. Defendants deny the allegations in paragraph 235 of the Complaint.
- 236. Defendants deny the allegations in paragraph 236 of the Complaint.

**b. Baseless Arrest; Retaliation**

237. Defendants deny the allegations in paragraph 237 of the Complaint. The incident in question occurred after Mr. Manning was stopped while driving a vehicle within the Canton Estates Apartments. The deputy, who performing foot patrol at the apartments, observed Mr. Manning make an abrupt turn to try and avoid the deputy. Mr. Manning stopped and was arrested for driving with a suspended license and driving without insurance.

- 238. Defendants deny the allegations in paragraph 238 of the Complaint.

**Marvin McField**

239. Defendants lack sufficient information to respond to the allegations in paragraph 239 of the Complaint, and, therefore, they deny those allegations.

240. Defendants deny the allegations in paragraph 240 of the Complaint.

241. Defendants deny the allegations in paragraph 241 of the Complaint.

242. Defendants deny the allegations in paragraph 242 of the Complaint.

243. Defendants deny the allegations in paragraph 243 of the Complaint.

**a. Roadblocks; Use of Force; Incarceration without Charge or Due Process**

244. Defendants deny the allegations in paragraph 244 of the Complaint.

245. Defendants deny the allegations in paragraph 245 of the Complaint.

246. Defendants deny the allegations in paragraph 246 of the Complaint.

247. Defendants deny the allegations in paragraph 247 of the Complaint.

248. Defendants deny the allegations in paragraph 248 of the Complaint.

249. Defendants deny the allegations in paragraph 249 of the Complaint.

250. Defendants deny the allegations in paragraph 250 of the Complaint.

251. Defendants deny the allegations in paragraph 251 of the Complaint. Mr. McField

was arrested by the Madison County Sheriff's Department on three Capias for the sale of cocaine and/or marijuana on May 5, 2006. Mr. McField was booked into the Madison County Detention Center that same date and released on May 9, 2006, after posting bond. Mr. McField was arrested again by the Madison County Sheriff's Department on May 28, 2006, for no proof of insurance and possession of marijuana in his vehicle. He was taken to Justice Court for arraignment on May 30, 2006, but was denied bond because of his previous arrest and indictments for drug charges. He was then released from the Detention Center on June 15, 2006, pursuant to a Justice Court

order. The Madison County Sheriff's Department played no role in the court decisions regarding Mr. McField's being given a bond or being released.

252. Defendants deny the allegations in paragraph 252 of the Complaint.

253. Defendants lack sufficient information to respond to the allegations in the first sentence of paragraph 253 of the Complaint. Defendants deny the remaining allegations in paragraph 253.

254. Defendants deny the allegations in paragraph 254 of the Complaint.

**b. Suspicionless Traffic Stop**

255. Defendants deny the allegations in paragraph 255 of the Complaint.

256. Defendants deny the allegations in paragraph 256 of the Complaint.

257. Defendants deny the allegations in paragraph 257 of the Complaint.

258. Defendants deny the allegations in paragraph 258 of the Complaint.

259. Defendants deny the allegations in paragraph 259 of the Complaint.

260. Defendants deny the allegations in paragraph 260 of the Complaint.

**Nick Singleton**

261. Defendants lack sufficient information to respond to the allegations in paragraph 261 of the Complaint and, therefore, they deny those allegations.

262. Defendants lack sufficient information to respond to the allegations in paragraph 262 of the Complaint and, therefore, they deny those allegations.

263. Defendants deny the allegations in paragraph 263 of the Complaint. Mr. Singleton was arrested in March 2011 for possession of marijuana while in the possession of a firearm and booked into the Madison County Detention Center after a package, which was addressed to his residence pursuant to a controlled delivery was found to contain drugs.

**a. Roadblocks**

- 264. Defendants deny the allegations in paragraph 264 of the Complaint.
- 265. Defendants deny the allegations in paragraph 265 of the Complaint.
- 266. Defendants deny the allegations in paragraph 266 of the Complaint.
- 267. Defendants deny the allegations in paragraph 267 of the Complaint.
- 268. Defendants deny the allegations in paragraph 268 of the Complaint.

**Steven Smith**

269. Defendants lack sufficient information to respond to the allegations in paragraph 269 of the Complaint and, therefore, they deny those allegations.

270. Defendants deny the allegations in paragraph 270 of the Complaint.

**a. Pedestrian “Checkpoint”**

271. Defendants deny the allegations in paragraph 271 of the Complaint and specifically deny that the Madison County Sheriff’s Department conducts pedestrian checkpoints. The details of the January 2017 incident involving Mr. Smith are more fully described by defendants in their response to paragraph 89 of the Complaint. Defendants adopt their response to that paragraph in response to this paragraph, as well as while responding to subsequent paragraphs 272 through 273.

272. Defendants deny the allegations in paragraph 272 of the Complaint.

273. Defendants deny the allegations in paragraph 273 of the Complaint.

274. Defendants deny the allegations in paragraph 274 of the Complaint.

275. Defendants deny the allegations in paragraph 275 of the Complaint.

**b. Home Search**

276. Defendants lack sufficient information to respond to the allegations in paragraph 276 of the Complaint and, therefore, they deny those allegations.



- 277. Defendants deny the allegations in paragraph 277 of the Complaint.
- 278. Defendants deny the allegations in paragraph 278 of the Complaint.
- 279. Defendants deny the allegations in paragraph 279 of the Complaint.
- 280. Defendants deny the allegations in paragraph 280 of the Complaint.
- 281. Defendants deny the allegations in paragraph 281 of the Complaint.

**Bessie Thomas**

282. Defendants lack sufficient information to respond to the allegations in paragraph 282 of the Complaint and, therefore, they deny those allegations.

283. Defendants deny the allegations in paragraph 283 of the Complaint.

284. Defendants deny the allegations in paragraph 284 of the Complaint. According to defendants' records, Ms. Thomas, in February 2016, called to report that someone had broken into her store. The Madison County Sheriff's Department responded to her call, but no arrests were made.

**a. Home Invasion**

285. Defendants deny the allegations in paragraph 285 of the Complaint.

286. Defendants deny the allegations in paragraph 286 of the Complaint.

**b. Roadblocks**

287. Defendants deny the allegations in paragraph 287 of the Complaint.

288. Defendants deny the allegations in paragraph 288 of the Complaint.

289. Defendants deny the allegations in paragraph 289 of the Complaint.

290. Defendants deny the allegations in paragraph 290 of the Complaint.

**Betty Jean Williams Tucker**

291. Defendants lack sufficient information to respond to the allegations in paragraph 291 of the Complaint and, therefore, they deny them.

292. Defendants deny the allegations in paragraph 292 of the Complaint.

293. Defendants deny the allegations in paragraph 293 of the Complaint.

294. Defendants deny the allegations in paragraph 294 of the Complaint.

**a. Roadblocks**

295. Defendants deny the allegations in paragraph 295 of the Complaint.

296. Defendants lack sufficient information to respond to the allegations in the first sentence of paragraph 296 of the Complaint. Defendants deny the remaining allegations in paragraph 296.

297. Defendants deny the allegations in paragraph 297 of the Complaint.

298. Defendants deny the allegations in paragraph 298 of the Complaint.

**CLASS ACTION ALLEGATIONS**

299. Defendants deny the allegations in paragraph 299 of the Complaint and specifically deny that plaintiffs are entitled to bring a class against defendants.

300. Defendants deny the allegations in paragraph 300 of the Complaint.

301. Defendants deny the allegations in paragraph 301 of the Complaint.

302. Defendants deny the allegations in paragraph 302 of the Complaint.

303. Defendants deny the allegations in paragraph 303 of the Complaint.

304. Defendants deny the allegations in paragraph 304 of the Complaint.

305. Defendants deny the allegations in paragraph 305 of the Complaint.

306. Defendants deny the allegations in paragraph 306 of the Complaint.

307. Defendants deny the allegations in paragraph 307 of the Complaint.

308. Defendants deny the allegations in paragraph 308 of the Complaint.

309. Defendants deny the allegations in Paragraph 309 of the Complaint.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(Claims of Named Plaintiffs and Class Members Pursuant to 42 U.S.C. § 1983  
Against All Defendants for Violations of the Fourth Amendment)**

310. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 309 above in response to paragraph 310 of the Complaint.

311. Defendants deny the allegations in paragraph 311 of the Complaint.

312. Defendants deny the allegations in paragraph 312 of the Complaint.

313. Defendants deny the allegations in paragraph 313 of the Complaint.

314. Defendants deny the allegations in paragraph 314 of the Complaint.

315. Defendants deny the allegations in paragraph 315 of the Complaint.

**SECOND CAUSE OF ACTION**

**(Claims of Named Plaintiffs and Class Members Pursuant to 42 U.S.C. § 1983  
Against All Defendants for Violations of the Equal Protection Clause)**

316. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 315 above in response to paragraph 316 of the Complaint.

317. Defendants deny the allegations in paragraph 317 of the Complaint.

318. Defendants deny the allegations in paragraph 318 of the Complaint.

319. Defendants deny the allegations in paragraph 319 of the Complaint.

320. Defendants deny the allegations in paragraph 320 of the Complaint.

**THIRD CAUSE OF ACTION**

**(Claims of Named Plaintiffs and Class Members Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d), et seq., Against the County)**

321. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 320 above in response to paragraph 321 of the Complaint.

322. Defendants deny the allegations in paragraph 322 of the Complaint.

323. Defendants deny the allegations in paragraph 323 of the Complaint.

324. Defendants deny the allegations in paragraph 324 of the Complaint.

**FOURTH CAUSE OF ACTION**

**(Individual Claims of Khadafy Manning Pursuant to 42 U.S.C. § 1983 Against John Does #1 through #6)**

325. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 324 above in response to paragraph 325 of the Complaint.

326. Defendants deny the allegations in paragraph 326 of the Complaint.

327. Defendants deny the allegations in paragraph 327 of the Complaint.

328. Defendants deny the allegations in paragraph 328 of the Complaint.

329. Defendants deny the allegations in paragraph 329 of the Complaint.

**FIFTH CAUSE OF ACTION**

**(Individual Claims of Quinnetta Manning Pursuant to 42 U.S.C. § 1983 Against John Does #1 through #6)**

330. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 329 above in response to paragraph 330 of the Complaint.

331. Defendants deny the allegations in paragraph 331 of the Complaint.

332. Defendants deny the allegations in paragraph 332 of the Complaint.

333. Defendants deny the allegations in paragraph 333 of the Complaint.

334. Defendants deny the allegations in paragraph 334 of the Complaint.

**SIXTH CAUSE OF ACTION**

**(Individual Claims of Khadafy Manning and Quinnetta Manning  
Pursuant to 42 U.S.C. § 1983 Against the County)**

335. Defendants incorporate and adopt by reference each and every response they have made to paragraphs 1 through 334 above in response to paragraph 335 of the Complaint.

336. Defendants deny the allegations in paragraph 336 of the Complaint.

337. Defendants deny the allegations in paragraph 337 of the Complaint.

Defendants deny the allegations in the last unnumbered paragraph of the Complaint, entitled "PRAYER FOR RELIEF," including sub-paragraphs A. through H. and their sub-parts.

AND NOW having fully answered the allegations of the Complaint, Defendants demand to be dismissed with their costs.

THIS the 29<sup>th</sup> day of June, 2017.

Respectfully submitted:

**MADISON COUNTY, MISSISSIPPI and  
SHERIFF RANDALL C. TUCKER, IN  
HIS OFFICIAL CAPACITY**

BY: /s/ Michael B. Wallace

Michael B. Wallace (MSB #6904)  
Charles E. Ross (MSB #5683)  
James E. Graves (MSB #102252)  
Charles E. Cowan (MSB #104478)  
WISE CARTER CHILD & CARAWAY, P.A.  
Post Office Box 651  
Jackson, Mississippi 39205-0651  
Telephone: 601-968-5534  
Facsimile: 601- 944-7738  
[mbw@wisecarter.com](mailto:mbw@wisecarter.com)  
[cer@wisecarter.com](mailto:cer@wisecarter.com)  
[jeg@wisecarter.com](mailto:jeg@wisecarter.com)  
[cec@wisecarter.com](mailto:cec@wisecarter.com)

and

T. Russell Nobile (MSB #100682)  
WISE CARTER CHILD & CARAWAY, P.A.  
2510 14<sup>th</sup> Street, Suite 1125  
Gulfport, Mississippi 39501  
Telephone: 228-867-7141  
Facsimile: 228-867-7142  
[trn@wisecarter.com](mailto:trn@wisecarter.com)

OF COUNSEL:

Rebecca B. Cowan #7735  
CURRIE JOHNSON & MEYERS, P.A.  
1044 River Oaks Dr.  
Jackson, MS 39232  
P.O. Box 750  
Jackson, Mississippi 39205-0750  
Telephone: 601-969-1010  
Facsimile: 601-969-5120  
[bcowan@curriejohnson.com](mailto:bcowan@curriejohnson.com)

**CERTIFICATE OF SERVICE**

I, Michael B. Wallace, hereby certify that I have this day, electronically filed the above and foregoing with the Clerk of Court using the ECF system which will automatically provide e-mail notification of said filing upon the following:

Joshua Tom, Esq.  
Paloma Wu, Esq.  
American Civil Liberties Union of Mississippi Foundation  
233 E. Capitol Street  
Jackson, MS 39201  
[PWu@aclu-ms.org](mailto:PWu@aclu-ms.org)  
[JTom@aclu-ms.org](mailto:JTom@aclu-ms.org)

Jonathan K. Youngwood, Esq.  
Janet A. Gochman, Esq.  
Isaac Rethy, Esq.  
Nihara K. Choudhri, Esq.  
Yukiu Chan, Esq.  
Simpson Thatcher & Bartlett, LLP  
425 Lexington A Venue  
New York, NY 10017  
[jyoungblood@stblaw.com](mailto:jyoungblood@stblaw.com)  
[jgochman@stblaw.com](mailto:jgochman@stblaw.com)  
[irethy@stblaw.com](mailto:irethy@stblaw.com)  
[nchoudhri@stblaw.com](mailto:nchoudhri@stblaw.com)  
[monica.chan@stblaw.com](mailto:monica.chan@stblaw.com)

Ezekiel Edwards, Esq.  
Jeffery Robinson, Esq.  
American Civil Liberties Union Foundation  
125 Broad Street  
New York, NY 10004  
[eedwards@aclu.org](mailto:eedwards@aclu.org)  
[jrobinson@aclu.org](mailto:jrobinson@aclu.org)

This the 29<sup>th</sup> day of June, 2017.

*/s/ Michael B. Wallace*  
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Michael B. Wallace