

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TWYLA STALLWORTH and
JERMARI MARSHALL,

Plaintiffs,

vs.

JOHN G. BARTON,
in his individual capacity;
CITY OF ANDALUSIA, ALABAMA,

Defendants.

CAFN:

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiffs, Twyla Stallworth (hereinafter “Ms. Stallworth”) and Jermari Marshall (hereinafter “Jermari”) (collectively “Plaintiffs”) through their undersigned counsel, files this Complaint against the above-named Defendants John G. Barton (hereinafter “Defendant Barton”), in his individual capacity and the City of Andalusia, Alabama (hereinafter “City”), and in support thereof states as follows:

INTRODUCTION

"People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day...the only tired I was, was tired of giving in."

---Rosa Parks

On February 23, 2024, Officer John G. Barton of the Andalusia Police Department unlawfully entered the home of Twyla Stallworth and her 18-year-old son, Jermari Marshall. Before making his unlawful entry, Defendant Barton physically assaulted Jermari. After entering Ms. Stallworth's home, Defendant Barton physically assaulted Ms. Stallworth in the presence of her son Jermari. Defendant Barton used excessive force towards Ms. Stallworth in his attempt to unlawfully arrest Ms. Stallworth inside her home and in the presence of her son Jermari. Subsequently, Ms. Stallworth was unlawfully arrested inside her home and in the presence of her son Jermari by Defendant Barton. Ms. Stallworth was wrongly imprisoned by Defendant Barton. Ms. Stallworth and Jermari were subjected to the above unlawful acts by Defendant Barton and the City of Andalusia all because Ms. Stallworth lawfully refused to give Defendant Barton her identification card/ driver's license.

As a result of this incident, Ms. Stallworth suffered humiliation, embarrassment, physical injuries, and loss of freedom. Ms. Stallworth and Jermari were subjected to the above unlawful acts by Defendant Barton and the City of

Andalusia all because Ms. Stallworth lawfully refused to give Defendant Barton her identification card/ driver's license.

Both Ms. Stallworth and Jermari now suffers from mental anguish and loss of enjoyment of life Plaintiff brings federal constitutional claims against all Defendant Barton for committing acts under color of law that deprived Ms. Stallworth and Jermari of their rights under the Constitution. Further, the Plaintiffs brings state law claims against all named Defendants.

JURISDICTION AND VENUE

1.

This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over Plaintiff's claims under the U.S. Constitution, which are brought both directly under 42 U.S.C. § 1983.

2.

This Court has supplemental jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. § 1367 because it is so related to the federal claims that it forms part of the same case or controversy under Article III of the U.S. Constitution.

3.

Venue is proper in this District under 28 U.S.C. § 1391(b)(2). All of the events giving rise to this Complaint occurred within this District.

PARTIES

4.

At all times relevant hereto, Plaintiff Twyla Stallworth, was a resident of the State Alabama and citizen of the United States of America.

5.

At all times relevant hereto, Plaintiff Jermari Marshall, was a resident of the State Alabama and citizen of the United States of America.

6.

At all times relevant hereto, Defendant John G. Barton was a citizen of the United States and a resident of the State of Alabama and was acting under color of state law in his capacity as a law enforcement officer employed by the City of Andalusia, Alabama. Defendant John G. Barton is sued in his individual capacity.

7.

The City of Andalusia, Alabama in municipality under the laws of Alabama. The City of Andalusia Police Department is department of the City of Andalusia, Alabama Government.

FACTUAL ALLEGATIONS

Events That Occurred on February 23, 2024

8.

On February 23, 2024, Defendant Barton unlawfully entered Ms. Stallworth's home to arrest her because Ms. Stallworth refused to produce her identification card/driver's license to him. At the time of the arrest, Ms. Stallworth was not suspected of committing a crime or any other public offense.

9.

Prior to entering Ms. Stallworth's home, Defendant Barton physically assaulted Ms. Stallworth's son Jermari by pushing forcefully.

10.

While inside Ms. Stallworth's home, Defendant Barton physically assaulted Ms. Stallworth by shoving her down on a couch.

11.

During the assault by Defendant Barton, Ms. Stallworth's vaginal area was exposed.

12.

Ms. Stallworth was illegally placed in handcuffs and abducted from her home in the presence of her neighbors and son then transported to the Covington County Jail.

13.

While, at the Covington County Jail, Ms. Stallworth was subjected to a humiliating mugshot and degrading strip search at the Covington County Jail.



Mugshot of Twyla Stallworth on February 23, 2023, at the Covington County Jail.

14.

Ms. Stallworth was required to dress out in an inmate uniform that did not fit her leaving her body exposed inside a cold jail cell.

15.

Ms. Stallworth was unlawfully imprisoned over 15 hours in the Covington County Jail. Ms. Stallworth was charged with obstruction, resisting arrest, and eluding. Ms. Stallworth was required to post a bond in the amount of \$3,035.00 to secure her freedom.

16.

Ms. Stallworth was subjected to the above all because lawfully refused to produce her identification card to Defendant Barton.

17.

On March 8, 2024, Ms. Stallworth received the following statement from Andalusia's Mayor Earl Johnson:

On behalf of the City of Andalusia and the Andalusia Police Department, I would like to apologize to Twyla Stallworth for her arrest in February. All charges against Ms. Stallworth are being dropped. The arresting officer has a clean record with our department, but he made a mistake in this case on February 23rd. He has been disciplined for failing in his duty to know the law. When I learned about this incident last week, I offered to meet with Ms. Stallworth. She declined. Ms. Stallworth has not filed a complaint with the police department, but her attorney alleges in his release that her arrest was racially motivated. We have reviewed body cam footage of the incident and see no evidence of racism. We have always worked hard in Andalusia to maintain great relationships among our diverse populations. In the video released by

her attorney, Ms. Stallworth also claims that the police department has failed to respond to complaints she made about her neighbor. We also have reviewed internal evidence that shows the police department did respond. I have met with the Andalusia Police Chief and other leaders in the department. We have agreed that the entire department will receive additional training on Constitutional law, the laws of the State of Alabama, and the City of Andalusia's ordinances, so that we will not have problems like this one in the future.

18.

On the same day, Ms. Stallworth learned that her charges were dropped, and her bond money was return to her.

19.

As a direct and proximate result of Defendant Barton's wrongful conduct, the Ms. Stallworth sustained substantially injured. These injuries include physical injuries but are not limited to, loss of constitutional and federal rights, emotional distress, and/or aggravation of pre-existing conditions, and ongoing special damages medically/psychologically related treatment caused by the unconstitutional and moving forces of Defendant Barton's conduct. Ms. Stallworth also continues to suffer ongoing emotional distress, with significant PTSD type symptoms, including sadness, anxiety, stress, anger, depression, frustration, sleeplessness, nightmares and flashbacks from her unlawful arrest.

20.

As a direct and proximate result of Defendant Barton's wrongful conduct, the Jermari sustained substantially injured. These injuries include physical injuries but are not limited to, loss of constitutional and federal rights, emotional distress, and/or aggravation of pre-existing conditions, and ongoing special damages medically/psychologically related treatment caused by the unconstitutional and moving forces of Defendant Barton's conduct. Jermari also continues to suffer ongoing emotional distress, with significant PTSD type symptoms, including sadness, anxiety, stress, anger, depression, frustration, sleeplessness, nightmares and flashbacks of being assaulted and witnessing his mother unlawful arrest.

21.

Defendant Barton unlawfully arrested Ms. Stallworth due to his lack of skills or carelessness as officers operating in their scope of duty in confronting the above facts and circumstances. His actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

22.

Defendant Barton assaulted Jermari due to his lack of skills or carelessness as officers operating in their scope of duty in confronting the above facts and circumstances. His actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

23.

The Plaintiffs are entitled to punitive damages on all of his claims against Defendant Barton personally to redress his willful, malicious, wanton, reckless and fraudulent conduct towards the Plaintiffs.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983 – Unlawful Arrest/Seizure Unlawful Use of Force, Excessive Use of Force and in Violation of the Fourth Amendment
(Defendant Barton)

24.

Plaintiffs realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 23 of this Complaint.

42 U.S.C. § 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress.....

25.

Defendant Barton is a person for purposes of 42 U.S.C. § 1983.

26.

Defendant Barton, at all times relevant hereto, were acting under the color of state law in this capacity as an officer for the City of Andalusia and his acts or omissions were conducted within the scope of his official duties or employment.

27.

At the time of the complained of events, Ms. Stallworth had a clearly established constitutional right under the Fourth Amendment to be secure in her person from unreasonable seizure and not to be arrested without arguable probable cause to do so.

28.

At the time of the complained of events, Ms. Stallworth had no legal obligation to produce her physical identification/driver's license to Defendant Barton pursuant to Alabama code section 15-5-30.

29.

Alabama code section 15-5-30 states:

A sheriff or other officer acting as sheriff, his deputy or any constable, acting within their respective counties, any marshal, deputy marshal or policeman of any incorporated city or town within the limits of the county or any highway patrolman or state trooper may stop any person abroad in a public place whom he reasonably suspects is committing, has committed or is about to commit a felony or other public offense and may demand of him his name, address and an explanation of his actions.

30.

Defendant Barton unlawfully arrested Ms. Stallworth because she refused to produce her identification card. Defendant Barton did not reasonably suspect the Ms. Stallworth was committing, had committed or was about to commit a felony or other public offense.

31.

Defendant Barton used unlawful force during his unlawful arrest of Ms. Stallworth because she refused to produce her identification card.

32.

Defendant Barton used excessive force during the unlawful arrest of Ms. Stallworth because she refused to produce her identification card.

33.

Defendant Barton actions as described herein, was willful, malicious and deliberate indifferent to Ms. Stallworth's federally protected rights.

34.

Defendant Barton engaged in the conduct described by this Complaint willfully, maliciously, in bad faith, and in reckless disregard of Ms. Stallworth's federally protected constitutional rights.

35.

Defendant Barton acted with shocking and willful indifference to Ms. Stallworth's and with conscious awareness that it could cause Ms. Stallworth harm.

36.

The acts or omissions of Defendant Barton were the moving forces behind Ms. Stallworth's injuries. The acts or omissions of Defendant Barton as described herein intentionally deprived Ms. Stallworth's of her constitutional rights and caused her other damages. Defendant Barton is not entitled to qualified immunity for his actions.

37.

As a proximate result of Defendant Barton's unlawful conduct, Ms. Stallworth suffered loss of her freedom and other injuries. As a further result of Defendant Barton's unlawful conduct, Ms. Stallworth has incurred special damages, including medical expenses and other special damages related expenses, in amounts to be established at trial.

38.

On information and belief, Ms. Stallworth suffered lost future earnings and impaired earnings capacities from the not yet fully ascertained sequelae of her injuries, in amounts to be ascertained in trial. Ms. Stallworth is further entitled to

attorneys' fees and costs pursuant to 42 U.S.C. §1988, pre-judgment interest and costs as allowable by federal law. There may also be special damages for lien interests.

39.

In addition to compensatory, economic, consequential and special damages, Ms. Stallworth is entitled to punitive damages against Defendant Barton under 42 U.S.C. § 1983, in that the actions of each of these individual Defendants have been taken maliciously, willfully or with a reckless or wanton disregard of the constitutional rights of Ms. Stallworth.

SECOND CLAIM FOR RELIEF

42 U.S.C. § 1983 – Unlawful Use of Force in Violation of the Fourth Amendment
(Defendant Barton)

40.

Plaintiffs realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 23 of this Complaint.

42 U.S.C. § 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress.....

41.

Defendant Barton is a person for purposes of 42 U.S.C. § 1983.

42.

Defendant Barton, at all times relevant hereto, were acting under the color of state law in his capacity as an officer for the City of Andalusia and his acts or omissions were conducted within the scope of his official duties or employment.

43.

At the time of the complained of events, Jermari had a clearly established constitutional right under the Fourth Amendment to be secure in his person from unreasonable seizure and unlawful force. Not to be arrested.

44.

Defendant Barton's actions, as described herein, was willful, malicious and deliberate indifferent to Jermari's federally protected rights.

45.

Defendant Barton engaged in the conduct described by this Complaint willfully, maliciously, in bad faith, and in reckless disregard of Jermari's federally protected constitutional rights.

46.

Defendant Barton did so with shocking and willful indifference to Jermari's rights and with conscious awareness that it could cause Jermari harm.

47.

The acts or omissions of Defendant Barton were the moving forces behind Jermari's injuries. The acts or omissions of Defendant Barton as described herein intentionally deprived Jermari of his constitutional rights and caused him other damages. Defendant Barton is not entitled to qualified immunity for their actions.

48.

As a proximate result of Defendant Barton's unlawful conduct, Jermari suffered loss of his freedom and other injuries. As a further result of Defendant Barton's unlawful conduct, Jermari has incurred special damages, including medical expenses and other special damages related expenses, in amounts to be established at trial.

49.

On information and belief, Jermari suffered lost future earnings and impaired earnings capacities from the not yet fully ascertained sequelae of his injuries, in amounts to be ascertained in trial. Jermari is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. §1988, pre-judgment interest and costs as allowable by federal law. There may also be special damages for lien interests.

50.

In addition to compensatory, economic, consequential and special damages, Jermari is entitled to punitive damages against Defendant Barton under 42 U.S.C.

§ 1983, in that the actions of Defendant Barton have been taken maliciously, willfully or with a reckless or wanton disregard of the constitutional rights of Jermari.

THIRD CLAIM FOR RELIEF
(False Arrest/False Imprisonment)
(All Defendants)

51.

Plaintiffs realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 23 of this Complaint.

52.

Defendant Barton unlawfully arrested and imprisoned Ms. Stallworth due to his lack of skills or carelessness as an officer operating in their scope of duty in confronting the above facts and circumstances. Defendant Barton's actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

53.

Defendant Barton was careless and unskilled in arresting Ms. Stallworth after Ms. Stallworth refused to prove her identification card to Defendant Barton.

54.

On March 8, 2024, the City of Andalusia acknowledge that Defendant Barton failing in his duty because he did not know the law.

55.

At the time of the complained incident, Defendant Barton was acting within the scope of his employment with the City of Andalusia. At the time Defendant Barton committed the acts described herein, he was acting within the course and scope of their employment and/or agency with the City of Andalusia. As such, the City of Andalusia is liable for the lack of skills or carelessness of Defendant Barton while operating in his scope of duty in confronting the above facts and circumstances. Defendant Barton's actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

56.

Therefore, the unskillfulness and carelessness of Defendant Barton is imputed to City of Andalusia through the doctrines of agency, vicarious liability and respondeat superior.

FOURTH CLAIM FOR RELIEF
(Assault/Battery)
(All Defendants)

57.

Plaintiffs realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 23 of this Complaint.

58.

Defendant Barton physically assaulted Ms. Stallworth and Jermari due to his lack of skills or carelessness as an officer operating in their scope of duty in confronting the above facts and circumstances. Defendant Barton's actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

59.

Defendant Barton was careless and unskilled in assaulting Ms. Stallworth and Jermari after Ms. Stallworth lawfully refused to prove her identification card to Defendant Barton.

60.

On March 8, 2024, the City of Andalusia acknowledge that Defendant Barton failing in his duty because he did not know the law.

61.

At the time of the complained incident, Defendant Barton was acting within the scope of his employment with the City of Andalusia. At the time Defendant Barton committed the acts described herein, he was acting within the course and scope of their employment and/or agency with the City of Andalusia. As such, the City of Andalusia is liable for the lack of skills or carelessness of Defendant Barton while operating in his scope of duty in confronting the above facts and circumstances. Defendant Barton's actions fell below that response which a skilled or proficient officer would exercise in similar circumstances.

62.

Therefore, the unskillfulness and carelessness of Defendant Barton is imputed to City of Andalusia through the doctrines of agency, vicarious liability and respondeat superior.

PRAYER FOR RELIEF

Plaintiff prays that this Court enter judgment for the Plaintiff and against each of the Defendants and grant:

- A. compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined by a jury;

- B. economic losses on all claims allowed by law;
- C. special damages in an amount to be determined at trial;
- D. punitive damages on all claims allowed by law against all individual Defendants;
- E. attorneys' fees and the costs associated with this action under 42 U.S.C. § 1988, including expert witness fees, on all claims allowed by law;
- F. pre- and post-judgment interest at the lawful rate; and,
- G. any further relief that this court deems just and proper, and any other appropriate relief a law and equity.

PLAINTIFF REQUESTS A TRIAL BY JURY.

Respectfully submitted April 24, 2024.

The Law Offices of Harry M. Daniels, LLC

/s/Harry M. Daniels
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/s/ Dr. Roderick Van Daniel

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TWYLA STALLWORTH AND JERMARI MARSHALL

(b) County of Residence of First Listed Plaintiff COVINGTON (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) THE RODERICK VAN DANIEL LAW FIRM 1501 15TH AVE S; STE 34 BIRMINGHAM ALABAMA

DEFENDANTS

JOHN G. BARTON AND CITY OF ANDALUSIA ALABAMA

County of Residence of First Listed Defendant COVINGTON (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 1983 - CIVIL RIGHTS. Brief description of cause: 1983 - CIVIL RIGHTS

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 4-24-2024 SIGNATURE OF ATTORNEY OF RECORD /S/RODERICK VAN DANIEL

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE