

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MARQUINA GILLIAM-HICKS

Plaintiff,

v.

SEAN FELDMANN, in his individual capacity,
and WILLIAMSON COUNTY, TEXAS,

Defendant.

Civil Action No. 21-481

*****JURY TRIAL DEMANDED**

COMPLAINT

NOW COMES Plaintiff, MARQUINA GILLIAM-HICKS (hereafter “PLAINTIFF”), by and through her attorneys, and files this 42 U.S.C. § 1983 lawsuit against Defendants, SEAN FELDMANN, in his individual capacity, and WILLIAMSON COUNTY, TEXAS, and would show the Court and Jury the following in support thereof:

INTRODUCTION

For more than fifty years, federal courts—including the United States Supreme Court—have cautioned on the inherent dangers attendant to publicly televising criminal jury trials. See *Estes v. Texas*, 381 U.S. 532, 85 S.Ct. 1628 (1965). In *Estes*, the Supreme Court reversed a petitioner’s criminal conviction, finding he was denied due process during his criminal trial because of the circus-like atmosphere caused by the presence of video cameras in the courtroom and the broadcasting of court proceedings to the public at large. Justice Earl Warren queried rhetorically:

How is the defendant to prove that the prosecutor acted differently than he ordinarily would have, that defense counsel was more concerned with impressing prospective clients than with the interests of the defendant, that a juror was so concerned with how

he appeared on television that his mind continually wandered from the proceedings [or] that an important defense witness made a bad impression on the jury because he was “playing” to the television audience...

Whether they do so consciously or subconsciously, all trial participants act differently in the presence of television cameras. And, even if all participants make a conscientious and studied effort to be unaffected by the presence of television, this effort in itself prevents them from giving their full attention to their proper functions at trial. Thus, the evil of televised trials, as demonstrated by this case, lies not in the noise and appearance of the cameras, but in the trial participants’ awareness that they are being televised.

Id. at 570-79. (emphasis added)

Of course, Justice Warren’s thoughtful admonition contemplated the serious threat posed by televising jury trials, and he opined that this practice poses a significant threat to the sanctity of the Sixth Amendment and the protected rights of the criminally accused. And yet, the primary concern articulated by the Justice—the erosion of fundamental due process rights by the money-driven quest for entertainment value—is equally valid in the context of the allegations brought by PLAINTIFF as it is with any courtroom proceeding. Indeed, PLAINTIFF, like countless other residents of Williamson County, has suffered a violation of constitutional rights occasioned by WCSO’s involvement with a now-cancelled police-themed reality program, “Live PD.”

JURISDICTION AND VENUE

1. This action arises under the United States Constitution, particularly under the Fourth and Fourteenth Amendments, and under law, particularly the Civil Rights Act of 1871, 42 U.S.C. § 1983 and Texas state law. This Honorable Court has jurisdiction by virtue of 28 U.S.C. §§ 1331 and 1367. Venue is founded in this Court upon 28 U.S.C. § 1391 as the acts of which PLAINTIFF complains arose in this District.

2. This Court has general personal jurisdiction over Defendant, WILLIAMSON COUNTY, TEXAS (hereafter the “COUNTY”), as it is located in Williamson County, Texas.

3. This Court has specific *in personam* jurisdiction of COUNTY because this case arises out of conduct by COUNTY’s agents, particularly Defendant, SEAN FELDMANN (hereafter “FELDMANN”), who, at all relevant times, was a deputy with the Williamson County Sheriff’s Office (WCSO), and because said conduct occurred in Williamson County, Texas, which is within the Western District of Texas.

PARTIES

4. On June 2, 2019, and at all relevant times, PLAINTIFF was a resident of Williamson County, Texas. Moreover, at all relevant times, PLAINTIFF was a citizen of the United States of America and was, therefore, entitled to all legal and constitutional rights afforded citizens of the United States of America.

5. The COUNTY is a governmental entity situated in the State of Texas. The COUNTY may be served through its County Judge, Bill Gravell, Jr., who is located at 710 S. Main Street, #101, Georgetown, Texas 78262. *Service is hereby requested at this time.*

6. On June 2, 2019, and at all relevant times, FELDMANN is, and was, employed by the COUNTY as a sheriff’s deputy with WCSO and, at all relevant times, was acting under the color of state law, within the scope of his employment. FELDMANN began his employment with WCSO on July 2, 2018.

BACKGROUND FACTS

7. On June 2, 2019, and at all relevant times, including the years immediately prior thereto, the final policymaker for the COUNTY was the elected Sheriff, Robert Chody (hereafter “CHODY”). At all relevant times, CHODY was an employee, agent and/or servant of the

COUNTY, as well as its final policymaker, acting under the color of law and within his scope of his employment.

8. Prior to CHODY's tenure as WCSO Sheriff, it was the official hiring policy of WCSO to conduct thorough background checks of all WCSO applicants and prospective sheriff's deputies. However, upon taking office and becoming the COUNTY's final policymaker, CHODY ended this reasonable practice. Instead, CHODY implemented a new official policy whereby background checks would only require minimal background information, and workplace offenses which would have previously disqualified WCSO applicants and prospective sheriff's deputies were now disregarded.

9. In early 2018, FELDMANN applied for employment with WCSO and, per CHODY's official hiring policy, underwent a minimal background check performed by the COUNTY through CHODY and other employees, agents and/or servants of the COUNTY.

10. During the COUNTY's scant background check on FELDMANN, the COUNTY learned of matters in FELDMANN's employment history which should have alerted a reasonably cautious law enforcement agency to the strong likelihood that FELDMANN was not fit to be a sheriff's deputy.

11. For instance, in April 2018, FELDMANN was terminated from the Kerr County Sheriff's Office due to untruthful statements he made during an official investigation into a romantic affair FELDMANN had with a married dispatch operator.

12. Two years earlier, in June 2016, FELDMANN was disqualified for hire by the Lewisville Police Department for two reasons: 1) he failed a polygraph examination with a "Significant Response indicative of Deception" regarding theft; and 2) a personal association with a marijuana buyer and/or seller.

13. At the close of CHODY's background check, the WCSO Office of Professional Standards (OPS) investigator concluded that FELDMANN "displayed poor judgment and dishonesty at both the Kerr County Sheriff's Office and the Lewisville Police Department."

14. Despite this foreboding conclusion, one from a trained police investigator, on July 2, 2018, the COUNTY, through CHODY and other employees, agents and/or servants of the COUNTY, nonetheless hired FELDMANN as a sheriff's deputy. This occurred a mere three months after he was fired for dishonesty.

15. On July 2, 2018, calling it a "privilege," CHODY administered the official WCSO oath of office to FELDMANN, swearing him in as a WCSO sheriff's deputy. CHODY later proudly tweeted about swearing in FELDMANN, using the social media "hashtag" #PurposePrideAndProfessionalism. *See Image No. 1.*



Image No. 1: CHODY July 2, 2018 Tweet Regarding the WCSO Swearing In of FELDMANN

16. Unfortunately for the residents of Williamson County, FELDMANN was not the only woefully unfit candidate for employment with WCSO who was hired by the COUNTY through CHODY and other employees, agents and/or servants of the COUNTY,

17. In fact, CHODY has hired numerous officers who had previously been disciplined for serious police misconduct or were on the verge of termination from other law enforcement agencies for being dishonest or using excessive force.

18. For example, two WCSO deputies hired by CHODY, James “J.J.” Johnson and Zachary Camden, had major “red flags” in their respective background checks and employment histories, ones completely disregarded by the COUNTY through CHODY and other employees, agents and/or servants of the COUNTY.

19. When Camden applied to work for CHODY’s department, two of his references noted he was too “aggressive” when out on patrol. Camden’s previous employer, the Bastrop County Sheriff’s Department, disciplined him three times during a five-month period, including twice for dishonesty. Bastrop County also required Camden to take additional courses on suspects’ constitutional rights after he made a search of a suspect’s home without legal justification.

20. Moreover, it is a telling fact that both Johnson and Camden were rejected by WCSO when they had applied for employment with WCSO prior to the arrival of CHODY—and the lax implementation of his lax hiring policy—because of serious concerns with their backgrounds as law enforcement officers.

21. Deputy Mark Luera, who was hired by CHODY in 2017, was a disgraced former Austin police officer who quit that job because he faced termination following an Internal Affairs (IA) investigation which revealed he repeatedly violated policy relating to airport security clearances.

CHODY, THE COUNTY AND LIVE PD FORM A PRODUCTION PARTNERSHIP

22. In 2018, CHODY and the COUNTY entered a contract to produce a television program called “Live PD.” The Williamson County Commissioners’ Court voted unanimously to approve this agreement. In November 2018, Live PD aired its first episode on the cable network, A&E. Live PD’s format was similar to the long-running program, COPS, but unlike COPS, Live PD purported to encamp with law enforcement officers *and broadcast their exploits live in real time, as the action purportedly unfolds*. The show’s very first episode featured the WCSO.

23. On the reality program, Live PD producers and camera operators ride with officers from police departments and record their activities for broadcast. Live PD is not actually “live,” and the various police departments that appear on it (including WCSO) can selectively veto any content they do not wish to air.

24. Several of CHODY’s deputies, including FELDMANN, were regularly featured on Live PD. *See Image No. 2.*



Image No. 2: Dep. Sean Feldmann (left).

25. Another of CHODY’s deputies, Luera, regularly appeared on Live PD, earning him the nickname “WilCo rock star” from CHODY. *See Image No. 3.*

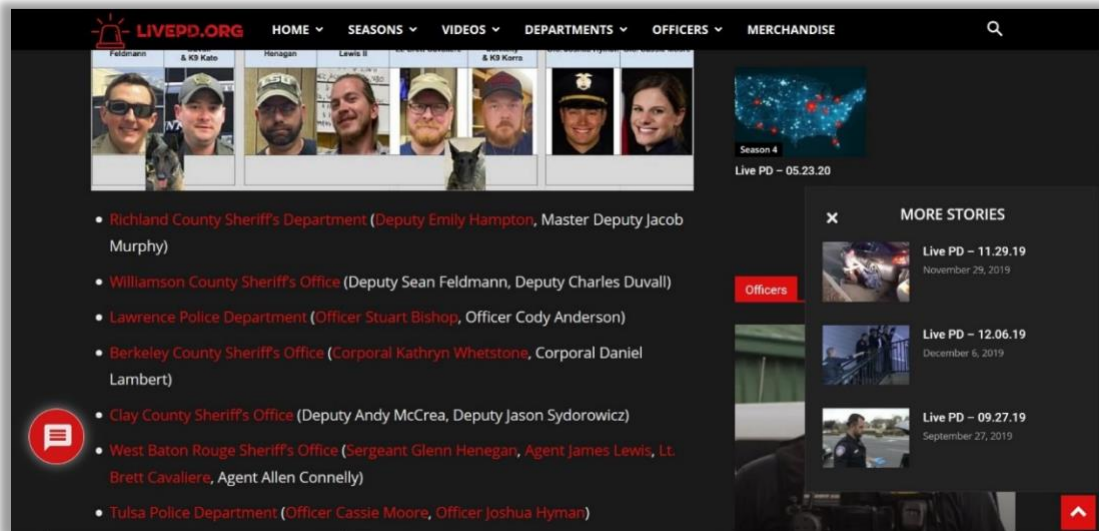


Image No. 3: “Live PD” Website Featuring WCSO Deputies

26. CHODY was both tireless and shameless in his promotion of Live PD despite his duty as a public servant to not engage in conduct or activities which create a conflict with his duty to uphold public peace and safety. In furtherance of his lucrative enterprise, CHODY made several public statements in which he touted Live PD. Among these statements:

- CHODY’s tweet on social media that publicized its association with the reality television program: “The Williamson County Sheriff’s Office is proud & excited to announce that we will be featured on #LivePD this weekend!” in November 2018;
- CHODY’s tweet wherein he stated: “I believe having #LivePD in WilCo is a necessary tool for our office for many reasons ... [and] the community at a large scale approves.”;
- CHODY’s endorsement of a Live PD t-shirt that said “Trust me. I watch Live PD, I’m basically a cop,” by tweeting “I want this shirt!!!! #LivePD #LivePDNation.”

THE COUNTY’S INVOLVEMENT WITH LIVE PD RESULTS IN A SHARP RISE IN FIELD ARRESTS BY WCSO DEPUTIES AND IN USES OF FORCE DURING THOSE ARRESTS

27. Once Live PD personnel—along with their live broadcasting video cameras—became embedded with WCSO deputies, arrests and uses of force in the field began to increase significantly. This was because, in part, CHODY encouraged his officers to engage in dangerous,

high-risk police tactics because it made for more entertaining television in service to Live PD. Likewise, WCSO deputies used TASERS much more often after Live PD began filming their exploits. The number of incidents where TASERS were used nearly doubled from 2017 to 2019.

28. CHODY knew that if Live PD producers considered a department “boring,” its police activities would not be broadcast. Thus, CHODY prioritized producing “exciting” content for Live PD over the health and safety of the COUNTY’s citizens.

29. Therefore, to this end—to promote increased uses of force in the field in order to maximize WCSO’s television exposure on Live PD—CHODY’s command staff, with his knowledge, awarded gift cards to steakhouses to officers who use of force on Williamson County residents.

30. Officers who received gift cards were also awarded the title “WilCo Badass.” Naturally, this practice encouraged officers to use force more frequently, to receive more gift cards and to appear on Live PD. Promises of gift cards for uses of force in the field was a widespread practice. According to one former WCSO deputy, “[i]t was something everybody knew” about at the WCSO.

31. In 2018, CHODY’s deputies, with Live PD camera crews in tow, broke down the door of a suspect wanted on a warrant, when the same suspect had been at the Williamson County Courthouse the same day to appear on another charge. Rather than arrest him on the warrant during the court appearance, as CHODY’s deputies easily could have, CHODY and Live PD sent officers in tactical gear to break down the suspect’s door and invade his home because peacefully making arrests during court appearances is boring television.

32. Around this time, in another incident, CHODY sent the SWAT team to arrest a suspect wanted for possession of a small amount of drugs by authorizing a no-knock warrant and

the use of flashbang grenades. CHODY's deputies broke down the door of the suspect's mother's home, then fired flash bang grenades into the house, when the suspect was non-violent and could have been arrested without incident. The raid and arrest were broadcast on Live PD.

33. CHODY was the COUNTY's head law enforcement officer and final policymaker and, therefore, as should be reasonably foreseen, his Live PD-induced lust for producing entertainment, mayhem and violence trickled down to his deputies. Thus, it should come as no surprise that one of CHODY's deputies, Jarred Dalton, tweeted in 2019, "Glad we could make some good TV for the boss man." On another occasion, again tweeting about Live PD, Dalton tweeted, "Gonna try to get some good stuff stirred up for y'all tonight."

34. On June 4, 2019, Live PD broadcast a traffic stop where Johnson and Camden used excessive force against a black motorist, Javier Ambler, who they stopped for a minor traffic offense. After a foot chase, the deputies caught up with Amber and electrocuted him with their TASERS multiple times. The deputies kicked and punched the Ambler multiple times, while he was in a defensive position on the ground. The deputies sat on top of Ambler, while he was face-down on the ground and begging, "I can't breathe." Upon information and belief, neither Johnson nor Camden were disciplined for their role in assaulting Ambler, which was captured on Live PD cameras.

35. In July 2020, Live PD live broadcasted a WCSO SWAT Team takedown of a suspect inside a Cedar Park family's home. The televised raid occurred just hours after WCSO deputies had the opportunity to peacefully arrest the suspect, Asher Watsky, while he was in court. Watsky's father, who witnessed the raid, stated, "It was all for TV. It was all for show." After an investigation on the matter was announced, WCSO officials acknowledged removing the warrant

from the system so no one would see it that day, paving the way for Live PD to televise a WCSO SWAT raid.

36. In 2017, the COUNTY changed its training academy's academic standards without permission from the Texas Commission on Law Enforcement, the Texas agency that accredits law enforcement academies. Though police officers in the State of Texas are required to receive five to seven months of training before working independently, the COUNTY reduced that training period to twelve weeks at CHODY's direction. As a result, numerous WCSO deputies were put on the street without receiving appropriate training. Many of the deputies who used excessive force had been employed by the department for less than two years.

37. Indeed, Johnson and Camden had only been working as WCSO deputies for a short time before they killed Ambler. Camden had only completed his training three weeks before Ambler's death. Johnson had been on patrol for just three months.

38. There were significant race issues as well. Black citizens were disproportionately targeted for use of excessive force by Williamson County deputies. Though Black people make up only ten percent of Williamson County residents, they accounted for twenty percent of the population that CHODY's deputies used force against. Additionally, a WCSO police academy instructor also resigned after calling a black cadet a racial slur.

39. In regard to a July 20, 2017 incident involving WCSO deputy, Robert Lewis, a department bureau chief drafted a memo a month later regarding the IA investigation of the incident, writing:

“The facts revealed in this case proved the actions taken by Deputy Lewis on July 20th, 2017 constituted egregious violations of the Sheriff's Rules of Conduct that brought discredit and embarrassment to the agency. Deputy Lewis was also untruthful and used unnecessary force while effecting an arrest. Based on these facts, *it is my recommendation that he be terminated for cause,*

effective immediately...[W]e have no other alternative than to separate from whoever is careless with the truth and abuses the authority invested (sic) in us as law enforcement professionals.”

40. Despite the lofty words of the COUNTY voicing concerns about a deputy who exercised unnecessary force in effecting an arrest and later provided untrue information in his report to support the arrest, Lewis was allowed to voluntarily resign from WCSO—rather than be terminated for cause—two days following the bureau chief’s report.

41. On the early morning of March 24, 2019, seven (7) WCSO deputies—Steven Rogers; Brandon Mills; Kyle Pence; Justin Kopta; Jason Johnston; Christopher Pisa; and Rachel Carter—responded to a noise complaint at a party. According to a citizen’s complaint filed by a party attendee who was a designated driver for other attendees, WCSO deputies “used unnecessary brutality,” and “had their feet planted on individuals heads, backs, and even some looked to be purposefully kicking (sic) to the heads and bodies.” The complainant stated that shortly after WCSO deputies violently entered the premises, one of them kicked in the door of the bathroom she was using, causing injuries to her.

42. The complainant stated that WCSO deputies threw her boyfriend “in the air like a rag doll and slammed his head and body.” Moreover, the complainant “witnessed numerous and various accounts of police misconduct and brutality,” adding that “there was NO reason for that [type of] force when everyone was complying.” (emphasis in original) None of the deputies involved were disciplined for their conduct at this party.

43. On April 10, 2019, a Williamson County resident who was injured in an accident “[c]alled 911 for EMS for help.” According to the injured man, who was holding a cold compress against his head at the time, “2 deputies arrived and demanded for me to sit after waiting awhile. They then decided to slam me (the injured person) to the ground.” The accused deputy, Lorenzo

Hernandez, reported that he ordered the injured man to sit down, to which he responded “I’m good” and “I don’t want to sit down.”

44. After the injured man declined to sit down, Hernandez lunged at him, attempting to grab his arm, causing the man to pull his arm away. At that point, by Hernandez’s own admission, he grabbed the injured man and forced him to the ground on his belly, before handcuffing him. OPS reviewed Hernandez’s body worn camera video footage, which was consistent with the injured man’s account, but nonetheless exonerated him for his use of force.

45. In September 2019, after months of resistance to public calls for his firing, Commander Steve Deaton resigned from WCSO due to the surfacing of several social media posts he created which included disturbing “racist and misogynistic” images. A Williamson County resident who viewed one of Deaton’s posts described “photos of dolls—Barbie dolls and elf dolls—posed in various ways...Most suggested sexual violence against women.”

46. Another of Deaton’s social media posts depicted an elf using a mini chainsaw to dismember an action figure of a black football player kneeling for the American flag. Rape, kidnapping and sexual acts were common depictions on Deaton’s social media postings.

47. On July 27, 2019, a WCSO pre-trial detainee was tasered for alleging resisting entry into a medical area of the jail. The detainee filed a citizen complaint, alleging that the force used was unnecessary given—among other reasons—the presence of more than a half dozen deputies. OPS reviewed the incident, noting that the tasing occurred away from the purview of the nearest video camera. OPS did not open an investigation, opting instead to refer it to the deputies’ supervisors.

48. On August 4, 2019, a WCSO deputy was escorting a pre-trial detainee to the medical area when the deputy slammed the handcuffed detainee against an elevator wall. OPS investigators called it a mere “push” and concluded the deputy should be exonerated.

49. In April 2019, Pisa was indicted on charges of assault and official oppression stemming from his use of force on a black woman, Imani Nembhard, whose minor children were present with her, during a traffic stop. According to Ms. Nembhard, Pisa attempted to provoke her during the exchange by asking her if she loved her children, to which she responded “Do your parents love you?” Pisa immediately grabbed Ms. Nembhard, threw her to the ground and arrested her in front of her children. On April 23, 2019, Pisa formally resigned his position in order to avoid an IA investigation into his actions.

50. During a subsequent interview with the Texas Rangers, Pisa disclosed that WCSO rewarded “good” uses of force with steakhouse gift cards. Pisa identified CHODY and Deaton as the individuals responsible for instituting the reward system, stating “[t]hey had the intention that we were all ‘WilCo badass’ and if you went out there and did your job, and you had to use force on somebody and he agreed with it, then you would get a gift card.”

51. Another individual, Troy Brogden, a former WCSO deputy, corroborated Pisa’s claim, adding that Deaton “would talk about [gift cards for uses of force] in groups, including supervisors meetings and classes.”

52. In September 2019, WCSO deputies, Lorenzo Hernandez, Amanda Pereira and D. Dickerson responded to a domestic disturbance call at an apartment complex. Once the deputies arrived, the caller stated that she did not want the deputies to enter her apartment and advised them that she was safe and unharmed.

53. Despite the caller's expressed wishes, Hernandez burst through her front door, grabbed her, threw her to the floor and handcuffed her. The caller the fact that she was not suspected of committing any crime and had not physically resisted anyone. Hernandez then berated at the woman, yelling, "Shut your mouth and quit talking. Regardless of whether you want to cooperate, we are going to do what we need to do." Hernandez was not fired for his clear battery on the female caller but instead was lightly disciplined.

54. On July 4, 2019, WCSO deputies committed battery upon a handcuffed detainee after he asked if he could use his phone to get phone numbers for his call as-of-right. Specifically, WCSO deputies told the detained man to stand up before violently twisting his arm behind his back and "bang[ing his] head against the wall." Immediately afterward, rhetorically, one of the deputies gleefully asked, "I bet that hurts doesn't it?"

55. On June 14, 2019, WCSO deputies, Luera, Johnson, Camden and Hernandez stopped Williamson County resident, Ramsey Mitchell, for not having a front license plate on his vehicle. After peaceably exiting his car, Mitchell panicked and ran away. The deputies chased and caught Mitchell. Reflecting CHODY's Live PD-themed directive, the deputies then proceeded to deliver a vicious beating to Mitchell, leaving him lying face-down with very serious injuries, in a pool of blood on the pavement.

56. In September 2020, CHODY was indicted on charges of evidence tampering, stemming from his alleged destruction of Live PD video footage that showed WCSO deputies using force upon Ambler immediately prior to his in-custody death.

FELDMANN'S EXCESSIVE FORCE AGAINST PLAINTIFF
AND FALSE ARREST OF HER

57. On June 2, 2019, at approximately 4:30 am, PLAINTIFF's friend, Rabekah, dropped PLAINTIFF off at her apartment complex, in the complex parking lot. As PLAINTIFF exited Rabekah's vehicle, the two continued a somewhat boisterous discussion they were having.

58. Around that time, FELDMAN, outfitted in his WCSO uniform, approached PLAINTIFF and told her that he had received a phone call from an apartment resident regarding a noise disturbance in the complex parking lot. This statement by FELDMANN to PLAINTIFF and Rabekah was a false statement.

59. PLAINTIFF apologized for any noise she and Rabekah may have made and told FELDMANN that she was just being dropped off at the complex, where she resided.

60. FELDMANN demanded PLAINTIFF's identification, even though she had not committed any crime and was not under arrest. Aware of her constitutional rights, PLAINTIFF refused to provide FELDMANN with her name. However, during the exchange among the three of them, Rabekah advised FELDMANN of PLAINTIFF's full name.

61. Despite having PLAINTIFF's full name which he could have used to run a check on her, FELDMANN continued to argue with PLAINTIFF, needlessly escalating a grudge match and demanding that she provide her name.

62. When he realized that PLAINTIFF would not capitulate to his overreaching demands, FELDMANN quickly lost his temper, yelled "That's it!," and lunged at PLAINTIFF. FELDMANN grabbed PLAINTIFF's person and told her she was under arrest.

63. By himself, without any back-up, FELDMANN began to wrangle with PLAINTIFF, manhandling and assaulting her while attempting to put handcuffs on her. *See Image Nos. 4-6.*



Image No. 4



Image No. 5



Image No. 6

64. Realizing the futility of his ill-advised handcuffing attempts, FELDMANN then bear hugged PLAINTIFF, picked her up off of her feet and slammed her down to the ground, with his flailing, out-of-control body falling on top of her. *See Image Nos. 7-9*



Image No. 7



Image No. 8



Image No. 9

65. After FELDMANN pinned PLAINTIFF to the ground with his body weight, he began to deliver forearm blows to her head neck and chest while kneeling on her torso and pelvis.

See Image Nos. 10-12.



Image No. 10



Image No. 11



Image No. 12

66. Moments later, officers with the Leander Police Department (LPD) arrived at the scene in response to an earlier radio call by FELDMANN. When PLAINTIFF—now back on her feet and scrambling to extricate herself from FELDMANN’s reckless, ill-conceived assault—saw the LPD officers approach, she ran to them seeking protection from FELDMANN. The LPD officer described her first observations of PLAINTIFF in her official report:

[PLAINTIFF] was quickly walking in circles around the vehicle to avoid the officer who was attempting to detain her in handcuffs. As I came up to the incident, [PLAINTIFF] who was avoiding [FELDMANN] came up to me asking me to help her. [PLAINTIFF] kept telling [FELDMANN] to get away from her because she had not done anything wrong. [PLAINTIFF] walk towards me in a manner that I interpreted as her being in a scared state of mind for her own safety. [PLAINTIFF] placed her hands on the front of my shoulders in a non-aggressive manner and asked me to help her.

67. FELDMANN told the LPD officer that he heard the disturbance in the parking lot himself and made no mention of any phone call received. FELDMANN falsely told the LPD

officer that he was familiar with PLAINTIFF prior to June 2, 2019, and that her apartment was known as a “problem apartment.”

68. On July 24, 2019, PLAINTIFF filed a citizen’s complaint against FELDMANN. In her complaint, PLAINTIFF explained that she did nothing wrong and there was no legitimate basis for her arrest. In her complaint, PLAINTIFF also identified Rabekah—whom had video-recorded with her cell phone crucial aspects of FELDMANN’s excessive force against PLAINTIFF—as an eyewitness and provided her residential address and cell phone number. Rabekah was never contacted by WCSO investigators.

69. The COUNTY exonerated FELDMANN of all charges alleged in PLAINTIFF’s complaint via email on July 25, 2019. This was one (1) day after PLAINTIFF submitted her citizen’s complaint.

70. On October 14, 2019, PLAINTIFF was advised by OPS that the WCSO IA investigation stemming from her citizen’s complaint determined that her allegations against FELDMANN were “Unfounded,” which—as indicated in the OPS letter notifying her of the decision—meant that wilco the allegations “are false or not factual.”

COUNT I
DEFENDANT SEAN FELDMANN
VIOLATION OF FOURTH AMENDMENT–EXCESSIVE FORCE

71. PLAINTIFF hereby incorporates and re-alleges Paragraphs one (1) through one seventy (70) as and for Paragraph seventy-one (71) of Count I.

72. On September 1, 2016, FELDMANN used excessive force against PLAINTIFF’s person, causing her great injury, anxiety, stress, mental anguish, pain and suffering.

73. The force used by FELDMANN was unnecessary and unreasonable, and PLAINTIFF's great injury, anxiety, stress, mental anguish, pain and suffering resulted directly from the use of said force which was excessive.

74. By reason of the conduct of FELDMANN, PLAINTIFF was deprived of rights, privileges and immunities secured to her by the Fourth and Fourteenth Amendments to the United States Constitution, and laws enacted thereunder.

75. The violence committed by FELDMANN, and inflicted upon PLAINTIFF was unnecessary, objectively unreasonable and excessive and was, therefore, in violation of PLAINTIFF's Fourth Amendment Rights. Therefore, FELDMANN is liable to PLAINTIFF in damages pursuant to 42 U.S.C. § 1983, including conscious pain and suffering, punitive damages and attorney fees.

COUNT II
WILLIAMSON COUNTY, TEXAS
UNCONSTITUTIONAL OFFICIAL POLICY, *MONELL* CUSTOM
AND/OR RATIFICATION

76. PLAINTIFF hereby incorporates and re-alleges Paragraphs one (1) through seventy-five (75) as and for Paragraph seventy-six (76) of Count II.

77. At all relevant times, over the course of several years—particularly during CHODY's tenure as WCSO Sheriff—there existed an unconstitutional official policy and/or unconstitutional *Monell* custom at COUNTY whereby law enforcement officers with significant negative employment histories were hired despite their backgrounds, poorly trained and encouraged to engage in excessive force and other police misconduct. Moreover, WCSO deputies who engaged in these, and other, bad acts were not only not disciplined for their transgressions but instead celebrated and rewarded monetarily.

78. The allowance of this pattern was the result of deliberate indifference to fact that COUNTY's official policies and/or customs were in violation of the Fourth Amendment and would naturally result in the violation of the constitutional rights of Williamson County residents, including PLAINTIFFS.

79. The official policy and/or *Monell* "custom" described above was the moving force behind the violation of PLAINTIFF's constitutional rights and proximately caused PLAINTIFF's constitutional injuries. The official policy and/or *Monell* "custom" described above also proximately caused a deprivation of the rights, privileges and immunities secured to PLAINTIFF by the Fourth and Fourteenth Amendments to the U.S. Constitution, and laws enacted thereunder.

80. As a result of the official policies and/or customs described above, PLAINTIFF's Fourth Amendment rights were violated. Therefore, the COUNTY is directly liable to PLAINTIFF in damages under 42 U.S.C. § 1983, including, loss of liberty interest, punitive damages and attorney fees.

COUNT III
SEAN FELDMANN
FALSE ARREST

81. PLAINTIFF hereby incorporates and re-alleges Paragraphs one (1) through eighty (80) as and for Paragraph eighty-one (81) of Count III.

82. FELDMANN's arrest of PLAINTIFF was not supported by probable cause. FELDMANN therefore committed unlawful violations of PLAINTIFF's personal liberty which consisted of detention without sufficient statutory authority. FELDMANN's conduct was intentional.

WHEREFORE, PLAINTIFF prays for judgment against FELDMANN in an amount which will fully and fairly compensate PLAINTIFF for the damages suffered and asserted herein.

WHEREFORE, Plaintiff, MARQUINA HICKS-GILLIAM, by and through her attorneys, DODDS, KIDD & RYAN and LAUX LAW GROUP, and requests judgment against the Defendants and each of them:

1. That Defendants be required to pay PLAINTIFF's compensatory damages;
2. That Defendants be required to pay actual damages;
3. That Defendants be required to pay attorney fees per 42 U.S.C. § 1988; and
4. That PLAINTIFF have any other such relief as this Honorable Court deems just and proper.

Respectfully submitted,

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