

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
VOLUSIA COUNTY, FLORIDA

CASE NO.: 2012 10168002

ALLYSON PEASE

Plaintiff,

vs.

JOEL TURNEY, Individually, CHARLES PARDEE,  
Individually, and BEN JOHNSON, in his official  
capacity as Sheriff of the Volusia County Sheriff's  
Office and VOLUSIA COUNTY, FLORIDA,

Defendants.

CLERK OF THE CIRCUIT  
& CTY. COURT VOLUSIA CTY., FL  
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COMPLAINT

Plaintiff, ALLYSON PEASE, by and through her undersigned attorney, sues  
Defendants, JOEL TURNEY, Individually, CHARLES PARDEE, Individually, BEN  
JOHNSON, in his official capacity as Sheriff of the Volusia County Sheriff's Office and  
VOLUSIA COUNTY, FLORIDA, and alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages which exceeds Fifteen Thousand Dollars  
(\$15,000.00) exclusive of interests, costs and attorney's fees.
2. The acts complained of by Plaintiff, ALLYSON PEASE occurred in Volusia  
County, Florida.
3. Defendant, VOLUSIA COUNTY, FLORIDA, is a subdivision of the State of  
Florida.

4. Defendant, JOEL TURNEY, Individually (Hereinafter referred to as "TURNEY"), is an employee of the Volusia County Sheriff's Office and is sued herein in his individually capacity. TURNEY is over the age of 18 years; and upon information and belief, is a resident of or conducts business in Volusia County, Florida.

5. Defendant, CHARLES PARDEE, Individually (Hereinafter referred to as "PARDEE"), is an employee of the Volusia County Sheriff's Office and is sued herein in his individually capacity. PARDEE is over the age of 18 years; and upon information and belief, is a resident of or conducts business in Volusia County, Florida.

6. Defendant, BEN JOHNSON (Hereinafter referred to as "SHERIFF JOHNSON"), Sheriff of Volusia County, Florida, is being sued in his official capacity only.

7. Pursuant to §768.28(6) (a), Florida Statutes (2009), Plaintiff, ALLYSON PEASE has notified Defendant, VOLUSIA COUNTY, FLORIDA of her claim six (6) months or more prior to the filing of this action, and said claims were not resolved. The notice of claim was also presented to the Department of Financial Services as required by law. A true and correct copy of the Notice of Claim is attached hereto as Exhibit "A", and is incorporated herein by reference.

8. All conditions precedents to the filing of this action have occurred, have been fulfilled, or have been waived as a matter of law.

9. On or about November 19, 2009, the Plaintiff, ALLYSON PEASE, resided at 3288 Littlefield Street, Deltona, Volusia County, Florida.

10. On or about November 19, 2009, Defendant, TURNEY, was a sworn sheriff's deputy of Volusia County, Florida, and at all times material hereto, acted within the course and scope of his employment as a deputy sheriff of Defendant, SHERIFF JOHNSON.

11. On or about November 19, 2009, the Defendant, PARDEE, was a sworn sheriff's deputy of Volusia County, Florida, and at all times material hereto, acted within the course and scope of his employment as a deputy sheriff of Defendant, SHERIFF JOHNSON.

12. That on the aforementioned date, Plaintiff, ALLYSON PEASE, called 911 to have an individual, Tony Flournoy (Hereinafter "Flournoy"), removed from her property located at 3288 Littlefield Street, Deltona, Volusia County, Florida.

13. Upon arrival, Deputy TURNEY and Deputy PARDEE questioned Flournoy. Flournoy indicated that he lived there and that Plaintiff, ALLYSON PEASE, threw a cup of milk at him. However, Defendant, TURNEY, and Defendant, PARDEE failed to confirm and document the residency of Flournoy.

14. Plaintiff, ALLYSON PEASE, denied the allegations to Deputy TURNEY and Deputy PARDEE.

15. There were several juveniles on the property located at 3288 Littlefield Street, Deltona, Volusia County, Florida at all times material hereto, and Defendant TURNEY and Defendant PARDEE failed to question any of the juveniles that witnessed the incident.

16. Specifically, one juvenile, a thirteen year old male witness who is also the son of Plaintiff, ALLYSON PEASE, provided information indicating that ALLYSON PEASE slammed down a cup of milk on a dresser, causing the milk to spill. The information corroborated Plaintiff, ALLYSON PEASE's statement to Defendant TURNEY and Defendant PARDEE.

17. At the aforesaid time and place, Defendant, TURNEY, and Defendant, PARDEE forcibly threw Plaintiff, ALLYSON PEASE, to the ground and hand cuffed her

without probable cause or any other legal justification, injuring her face and neck and causing severe and permanent injuries.

18. At the aforesaid time and place, Defendant, TURNEY, and Defendant, PARDEE, intentionally touched, struck, and battered Plaintiff, ALLYSON PEASE, while she was inside of her property, and hand cuffed her without her consent, against her will, and without legal justification.

19. After throwing Plaintiff, ALLYSON PEASE, to the ground, Defendant TURNEY and Defendant PARDEE put their knees in Plaintiff's back, and stayed in that position for several minutes while they grabbed her head and tried to force it into the corner of the wall as they completed handcuffing her.

20. Defendant TURNEY and Defendant PARDEE continued to batter and harm Plaintiff, ALLYSON PEASE, despite the fact that she had pleaded and begged them to be careful, advising them that she had prior history of neck surgery and she was suffering from significant ongoing pain.

21. While the deputies were escorting Plaintiff, ALLYSON PEASE, out of her home, Defendant PARDEE grabbed her head and turned it to one side against the wall and dragged it along the wall without any legal justification, causing further injuries.

22. Despite the fact that Plaintiff, ALLYSON PEASE, was obviously injured, neither Defendant TURNEY nor Defendant PARDEE made any attempt or effort to obtain medical assistance for her.

23. After putting Plaintiff, ALLYSON PEASE, inside the patrol car, Defendant TURNEY and Defendant PARDEE drove around for a while with her in the back seat of the patrol car with her hands cuffed behind her back. They ended up in a parking lot in Deltona

where they stayed for over three hours. Defendant TURNEY and Defendant PARDEE conversed on how they were going to get their stories straight about what had happened.

24. Defendant TURNEY and Defendant PARDEE eventually drove Plaintiff, ALLYSON PEASE, to the branch jail, where she was imprisoned. She spent the night at the Volusia County Branch Jail where she was released on her own recognizance the following day.

25. Plaintiff, ALLYSON PEASE, was charged with Resisting Arrest with Violence and Battery. She was appointed a public defender.

26. All of the criminal charges brought against Plaintiff, ALLYSON PEASE, as a result of the arrest on November 19, 2009, have been disposed of favorably to Plaintiff.

**COUNT I**  
**FALSE ARREST/FALSE IMPRISONMENT**

27. Plaintiff, ALLYSON PEASE, realleges the allegations set forth in paragraphs 1 through 26.

28. Defendant, SHERIFF BEN JOHNSON and Defendant, COUNTY OF VOLUSIA, by and through the acts of their agents and employees, proximately caused Plaintiff ALLYSON PEASE's arrest in the absence of probable cause that Plaintiff had committed any criminal offense.

29. The actions of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA, in causing the arrest of Plaintiff, ALLYSON PEASE, in the absence of probable cause, were taken in absence of lawful authority. The actions of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA, constitute false arrest/false imprisonment of Plaintiff, ALLYSON PEASE, under Corpus law.

30. The false arrest/false imprisonment of Plaintiff, ALLYSON PEASE, was committed by Defendant, TURNEY and Defendant, PARDEE, in the course and scope of their employment as deputy sheriff officers for Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA.

31. As a direct and proximate result of the conduct of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA, by and through their agents and employees, Plaintiff, ALLYSON PEASE, was arrested, detained, and confined in jail and suffered the following damages: injury to her reputation and health; shame, humiliation and embarrassment; loss of liberty and freedom; bodily injury and resulting pain and suffering; mental anguish; loss of earnings; loss of the capacity for the enjoyment of life; disability and disfigurement; and expense of hospitalization, medical care and treatment. Plaintiff, ALLYSON PEASE's losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, ALLYSON PEASE, demands judgment for damages against Defendant, SHERIFF JOHNSON and Defendant, COUNTY OF VOLUSIA together with costs, and demands a trial by jury.

**COUNT II**  
**ASSAULT AND BATTERY**

32. Plaintiff, ALLYSON PEASE, realleges the allegations set forth in paragraphs 1 through 26.

33. On November 19<sup>th</sup>, 2009, Defendant, TURNEY, and Defendant, PARDEE, acting in the course and scope of their employment with Defendant SHERIFF JOHNSON and Defendant COUNTY OF VOLUSIA, unlawfully struck and battered Plaintiff ALLYSON

PEASE about her body against her will and without her consent.

34. As a direct and proximate result of the conduct of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA, by and through their agents and employees, Plaintiff, ALLYSON PEASE, suffered the following damages: injury to her reputation and health; shame, humiliation and embarrassment; bodily injury and resulting pain and suffering; mental anguish; loss of earnings; loss of the capacity for the enjoyment of life; disability and disfigurement; and expense of hospitalization, medical care and treatment. Plaintiff, ALLYSON PEASE's losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, ALLYSON PEASE, demands judgment for damages against Defendant, SHERIFF JOHNSON and Defendant, COUNTY OF VOLUSIA together with costs, and demands a trial by jury.

### **COUNT III** **Negligence**

35. Plaintiff, ALLYSON PEASE, realleges the allegations set forth in paragraphs 1 through 26.

36. Defendant, SHERIFF JOHNSON, in his official capacity as Sheriff of the Defendant, COUNTY OF VOLUSIA, maintains a sheriff's department which owes a duty of care in the conduct of its law enforcement operations to the citizenry in general, and, in this case, to Plaintiff, ALLYSON PEASE.

37. On or about November 19, 2009, Defendant, SHERIFF JOHNSON, as Sheriff of Defendant, COUNTY OF VOLUSIA, by and through their agents and employees, negligently breached their duty of care during the arrest and detention of Plaintiff in the

following manner:

- A) Failed to conduct a proper investigation;
- B) Ignored all exculpatory evidence of Plaintiff ALLYSON PEASE'S innocence;
- C) Failed to properly train its law enforcement officers in proper procedures for investigation, arrest and detention procedures and for proper procedures to ensure protection of a citizen's Constitutional Rights;
- D) Failed to properly train its law enforcement officers in the proper procedures for assisting an injured person such as Plaintiff, ALLYSON PEASE, while in the care, custody and control of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA;

38. As a direct and proximate result of the negligent conduct of Defendant, SHERIFF JOHNSON, and Defendant, COUNTY OF VOLUSIA, Plaintiff, ALLYSON PEASE, suffered the following damages: injury to her reputation and health; shame, humiliation and embarrassment; bodily injury and resulting pain and suffering; mental anguish; loss of earnings; loss of the capacity for the enjoyment of life; disability and disfigurement; and expense of hospitalization, medical care and treatment. Plaintiff, ALLYSON PEASE's losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, ALLYSON PEASE, demands judgment for damages against Defendant, SHERIFF JOHNSON and Defendant, COUNTY OF VOLUSIA together with costs, and demands a trial by jury.

**.COUNT IV**



### **MALICIOUS PROSECUTION**

39. Plaintiff, ALLYSON PEASE, realleges the allegations set forth in paragraphs 1 through 26.

40. Defendant, TURNEY individually, and Defendant, PARDEE, individually, proximately caused criminal proceedings to be instituted or continued against Plaintiff, ALLYSON PEASE, with malice and in the absence of probable cause by causing police reports to be submitted to prosecuting authorities containing materially false statements and material omissions, which reports were relied upon by prosecuting authorities in the filing of criminal charges against Plaintiff, ALLYSON PEASE.

41. Criminal proceedings instituted and/or continued by Defendant, TURNEY, and Defendant, PARDEE, individually, reached a bonafide resolution in Plaintiff, ALLYSON PEASE's favor.

42. As a direct and proximate result of the conduct of Defendant, TURNEY, individually, and Defendant, PARDEE, individually, Plaintiff, ALLYSON PEASE has suffered grievously and has been brought into public scandal, with great humiliation, mental suffering and damaged reputation; suffered loss of liberty and freedom; loss of earnings; loss of earning capacity; and loss for the enjoyment of life. Plaintiff's losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, ALLYSON PEASE, demands judgment for damages against Defendant, TURNEY, individually, and Defendant, PARDEE, individually, together with costs, and demands a trial by jury.

### **DEMAND FOR JURY TRIAL**

43. Plaintiff, ALLYSON PEASE, demands trial by jury on all issues so triable.

Dated this 10<sup>th</sup> day of January, 2012.

PAPPAS, RUSSELL & RAWNSLEY

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