

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

MARVIN L. GUY

§

v

§

W-16-CA-120 RP

THE CITY OF KILLEEN, TEXAS et al

§

MOTION FOR LEAVE TO FILE AN
AMENDED COMPLAINT.

TO THE HONORABLE JUDGE OF SAID AND STATED COURT.
MARVIN L. GUY REQUESTS COURT TO GRANT THIS
MOTION AND AMEND COMPLAINT

I

PLAINTIFF MADE CORRECTIONS AND ADDED NUMBERS TO PARAGRAPHS
AND ADDED MORE INFORMATION AND THE LAWS THAT APPLY.

PLAINTIFFS ASKS COURT TO REVIEW AND APPROVE
AMENDED COMPLAINT.

PRAYER

PLAINTIFF PRAYS THAT THIS COURT ACCEPT AND APPROVE
AMENDED COMPLAINT.

RESPECTFULLY SUBMITTED

Marvin L. Guy

MARVIN L. GUY

35NH

BELL COUNTY JAIL

113 W. CENTRAL AVE

BELTON, TX 76513

(COVER PAGE)

PROPOSED AMENDED COMPLAINT

I

ON MAY 9, 2014 AT APPROXIMATELY 5:45 A.M. PLAINTIFFS COMMON LAW WIFE SHIRLEY A. WITTINGTON AND PLAINTIFF WERE SUBJECTED TO A "NO-KNOCK" INVASION BY THE KILLEEN POLICE DEPARTMENT SWAT TEAM CALLED BY TACTICAL RESPONSE UNIT (T.R.U.) SUPERVISOR COMMAND SGT. JONATHAN R. RINEHART. THE UNANNOUNCED ATTEMPT TO ENTER THE PLAINTIFFS APARTMENT LOCATED AT 1104 CIRCLE M DR. KILLEEN, TX APT. C. UNAWARE OF THE CIRCUMSTANCES OF THE SWAT TEAM AND THE FACT THAT THE PLAINTIFF IS A HARD SLEEPER. THE PLAINTIFF AND HIS COMMON LAW WIFE WERE UNABLE TO HEAR THE ATTEMPT AT THE FRONT DOOR BEING RAMMED. AS PLAINTIFF WAS AWAKENED TO THE SOUND OF THE BEDROOM WINDOW BEING BROKEN. PLAINTIFF PANICKED THINKING HE WAS BEING BURGLARIZED. PLAINTIFF GROBBED A PISTOL AND FIRED SEVERAL SHOTS OR ROUNDS TOWARD THE BEDROOM WINDOW. A "FLASH-BANG" DEVICE WAS DROPPED BY A T.R.U. MEMBER OUTSIDE SENDING SMOKE OUTSIDE OF APARTMENT PERIMETER CAUSING CONFUSION AND CAUSED T.R.U. MEMBERS TO FALL OVER ONE ANOTHER AS SHOTS WERE FIRED. PUTTING OFFICERS IN A FATAL FUNNEL SITUATION. PLAINTIFF CAME OUT OF APARTMENT WITH HANDS OVER HIS HEAD, NO FIREARM, NO RESISTANCE. TAKEN DOWN VERY HARD BY OFFICER SWAN OBREGON JR. WHO INSTRUCTED PLAINTIFF WITH DEROGATORY AND RACIAL WORDS STATING "GET ON THE GROUND NIGGER BEFORE I FUCKING KILL YOU" THEN OBREGON PUT HIS KNEE IN THE CENTER OF PLAINTIFFS BACK WHICH CAUSED PLAINTIFFS SPINE TO BE INJURED. PLAINTIFF STILL CONTINUES TO SUFFER DAMAGE TO HIS SPINE, SHARP PAIN AND NUMBNESS IN HIS FINGERS, HIPS, ARMS, AND LEGS, AND IS NOT ABLE TO GET ANY TREATMENT TO CORRECT THIS INJURY. OBREGON THEN SLAPPED HIS FIREARM TO THE RIGHT SIDE OF PLAINTIFFS HEAD. AND SHOULD HIS OFFICER ISSUED FIREARM IN PLAINTIFFS MOUTH THREATENING PLAINTIFFS LIFE AND CAUSING TEETH TO BE CHIPPED AND GUMS TO BLEED. THIS EXTREMELY EXCESSIVE FORCE CAUSED

PLAINTIFF WHO IS A FREE CITIZEN TO FEAR FOR HIS AND HIS COMMON LAW WIFE LIVES. THESE ACTIONS AND LANGUAGE ARE (HATE CRIMES) ACCORDING TO (THE HATE CRIME ACTS) WHICH STATE;

SEC. (A) IN GENERAL:

(1) OFFENSE INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION OR NATIONAL ORIGIN. WHOEVER WHETHER OR NOT ACTING UNDER COLOR OF LAW, WILLFULLY, CAUSES BODILY INJURY TO ANY PERSON OR THROUGH THE USE OF FIRE, FIREARM, A DANGEROUS WEAPON, OR AN EXPLOSIVE OR INCENDIARY DEVICE, ATTEMPTS TO CAUSE BODILY INJURY TO ANY PERSON, BECAUSE OF THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN OF ANY PERSON

(a) SHALL BE IMPRISONED NOT MORE THAN 10 YEARS FINED IN ACCORDANCE WITH THIS TITLE,

(b)(i)(ii) IX

(2)(i)(ii)(I)(II)

AMENDMENT 2009 ACT OCT. 28, IN SUB SEC. (A) ADDED PARA (4) MATTHEW SHEPARD @ JAMES BYRD JR. HATE CRIMES PREVENTION ACT OCT 28, 2009. P. h. 111 & DIVE § 4702.123 STAT. 2835 1,2,3,4,5,6 UNITED STATES V. CANNON (2014 CAS TEX) 750 F-3d 492

SEC. (B) CONSPIRACY AGAINST RIGHT.

18 USC 924 CONSPIRING TO DEPRIVE CITIZENS OF THEIR CIVIL RIGHTS IN VIOLATION OF 18 USCS 241 IS CRIME OF VIOLENCE WITHIN MEANING OF 18 USCS 924(E) SINCE IT CREATES SUBSTANTIAL RISK OF VIOLENCE U.S. V. GREER (1991, CAS. TEX) 939 F.2d 1076 36 FED RULE EVID SEN 168

SHORTLY THERE AFTER PLAINTIFFS COMMON LAW WIFE STERLEY WITTINGTON CAME OUT OFFERING NO RESISTANCE. HOWEVER WAS TREATED WITH SUCH EXCESSIVE FORCE, SHE SUSTAINED BROKEN RIBS, BRUISED KNEES AND FACE BY T.P.U. MEMBER NORM WILT.

II

BRIEF IN SUPPORT OF MEMORANDUM

KILLEEN POLICE CHIEF DENNIS BALDWIN IS HELD RESPONSIBLE FOR T.R.U. TRAINING, RULES AND REGULATIONS OF THE CITY'S CIVIL SERVICE COMMISSION RESPONSIBILITIES OF THE DEPARTMENT'S CODE OF CONDUCT, WRITTEN DIRECTIONS AND PROCEDURES AS WELL AS ANY VIOLATIONS THAT ARE CAUSES FOR REMOVAL OR SUSPENSION OF UNACCEPTABLE BEHAVIORS AND CONDUCT. KILLEEN POLICE CHIEF DENNIS BALDWIN, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY WHILE UNDER COLOR OF LAW, FAILED TO PROPERLY TRAIN T.R.U. LEADER CHARLES DINWIDDIE. MR. DINWIDDIE FAILED IN TO FOLLOW GENERAL ORDERS BY FAILURE TO ABIDE BY POLICIES, THE T.R.U. LEADER DINWIDDIE PLACED HIMSELF AND OTHERS IN HARMS WAY, BY NOT BEING PROPERLY TRAINED MR. DINWIDDIE WAS NEGLECTFUL IN HIS DUTIES DURING THE INCIDENT WHICH CAUSED OTHER OFFICERS ON THE SCENE (INCLUDING THE DECEASED DINWIDDIE) TO BE PLACED IN A DEADLY SITUATION. PUT HIMSELF AND OTHERS IN A "FATAL FUNNEL" SITUATION OF THE SUBJECT, WHICH EXHIBITED SUB-STANDARD OFFICER SAFETY.

III

KILLEEN POLICE CHIEF DENNIS BALDWIN HAD ANOTHER INCIDENT OCCUR AGAINST SGT. JOHN BOWMAN PRIOR TO THE PLAINTIFF HEREIN. CHIEF BALDWIN SIGNED OFF ON A LETTER OF DISCIPLINARY SUSPENSION MAY 1, 2014 AGAINST SGT. BOWMAN WHICH SUSTAINED 6 VIOLATIONS ALL SIMILAR TO PETITIONERS CASE AT HAND. A FAILURE OF THE MUNICIPALITY TO PROVIDE PROPER PROCEDURES OF TRAINING CAUSES A CONSTITUTION VIOLATION. A MUNICIPALITY MAY BE LIABLE WHERE THE PLAINTIFFS INJURIES IN THIS CASE (DAMAGE TO PLAINTIFFS SPINE AND ONGOING PAIN THAT PLAINTIFF STILL SUFFERS TODAY) CAUSING THE PLAINTIFF AND HIS COMMON LAW WIFE PHYSICAL INJURIES TO THE NO KNOCK POLICY THAT PUT PLAINTIFF IN FEAR TO PROTECT HIS HOME AND FAMILY FROM WHAT APPEARED TO BE A HOME INVASION AND FIRING A HANDGUN OUT HIS WINDOW THAT WAS VIOLENTLY BROKEN OUT

OWEN V. CITY OF INDEPENDENCE 445 U.S. 622-652. 100 S. CT. 1398 (1980)

RESIDENCE (HEREIN) BY STATING UNREASONABLE SENSIBILITIES HE THOUGHT PLAINTIFF SOLD DRUGS.

3) IN A INTERNAL AFFAIRS THIS REPORT 0009 SHOW THIS "FALSE LIGHT" DISCLOSED THAT NO DRUGS WERE FOUND AT THE RESIDENCE (AT 5:30 A.M.) DURING THE RAID, BUT ALSO PLACED DOUBT CONCERNING THE ISSUE OF A "NO KNOCK" POLICE RAID WHICH HIS TEAM LEADER MR. DINWIDDIE WAS FATAALLY SHOT AND DIED. PLAINTIFF HEREIN SUFFERED THE DEPRIVATION OF LIBERTY, LIFE AND FREEDOM FROM ARBITRARY NEGLIGENCE FROM THAT OF SGT. RINEHART WHILE ACTING UNDER COLOR OF LAW OF THE STATE.

4) MR. RINEHART FAILED TO SET UP A BRIEFING AREA TO BRIEF T.R.U. MEMBERS AND TEAM LEADER MR. DINWIDDIE

5) MR. RINEHART NEGLIGENCE WAS INTENTIONAL AND DEPRIVED THE PLAINTIFF OF HIS LIBERTY, THEREFORE DENIED PLAINTIFF HIS DUE PROCESS RIGHTS. THE "NO KNOCK" RAID SGT. RINEHART WAS A PARTICIPATE IN WOULD "SHOCK THE CONSCIENCE" ONCE AN INVESTIGATION COMES TO LIGHT TO THIS COURT. THE PLAINTIFF SUFFERS MENTAL, PHYSICAL AND EMOTIONAL INJURIES AND ALSO DEPRESSION, STRESS, FEAR AND OTHER PSYCHOLOGICAL IMPACTS. DUE TO THE DEFENDANT SGT. RINEHARTS NEGLIGENCE OR NEGLECT OF DUTY.

XI

KILLEEN POLICE DEPARTMENT TACTICAL RESPONSE UNIT
DEFENDANT WILLIE H. WINGFIELD

MR WINGFIELD IS A DIRECT PARTICIPATE AT THE "NO KNOCK" DRUG RAID AT PLAINTIFFS RESIDENCE. OFFICER WINGFIELD'S ACTS AND CONDUCT CAUSED UNFORESEEN CIRCUMSTANCES TO FLURISH. HE WAS IN CHARGE OF THE "FLASH BANG" DEVICE ONCE THE FRONT DOOR WAS OPENED. HOWEVER DUE TO THE FRONT DOOR NOT OPENING IMMEDIATELY OFFICER WINGFIELD RECKLESSLY DROPPED THE "FLASH BANG" DEVICE OUTSIDE THE APARTMENT CAUSING POOR VISIBILITY (DUE TO SMOKE) AS SHOTS WERE FIRED OFFICER WINGFIELD PRODUCED HIS FIREARM AND SHOT ROUNDS INTO THE INTERIOR WHERE OTHER OFFICERS WERE STANDING. ACCORDING TO REPORT...

IX

PLAINTIFFS CONSTITUTIONAL RIGHTS UNDER 14TH, 8TH, AND 4TH AMENDMENT TO THE UNITED STATES CONSTITUTION. THE RIGHT TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE. THE DUE PROCESS CLAUSES PROTECTION OF LIBERTY ALSO INCLUDES CERTAIN PRIVACY RELATED INTEREST. PLAINTIFF SUFFERED PHYSICAL, MENTAL AND EMOTIONAL INJURY AND TO THIS DATE SUFFERS PAIN, DEPRESSION, STRESS, FEAR AND OTHER PSYCHOLOGICAL IMPACTS. PLAINTIFF'S HARMS THAT HE SUFFERS TO THIS DATE IS FROM THE RESULTS OF THE KILLEEN POLICE T.R.U. AND ITS TEAM LEADER CHARLES DINWIDDIE'S FAILURE TO ABIDE BY RULES, POLICIES, AND T.R.U. PROTOCOL DEFENDANTS:

- 1) ALL PARTICIPATED DIRECTLY IN THE ALLEGED CONSTITUTIONAL VIOLATIONS
- 2) AFTER BEING INFORMED OF THE VIOLATION THROUGH A REPORT OR APPEAL FAILED TO REMEDY THE WRONG
- 3) CREATED A POLICY OR CUSTOM UNDER WHICH UNCONSTITUTIONAL PRACTICES OCCURED OR ALLOWED THE CONTINUANCE OF SUCH A POLICY OR CUSTOM "NO-KNOCKS"
- 4) SGT. RINEHART AND T.R.U. TEAM LEADER DINWIDDIE WERE GROSSLY NEGLIGENCE IN SUPERVISING SUBORDINATES WHO COMMITTED THE WRONGFUL ACTS.
- 5) EXHIBITED DELIBERATE INDIFFERENCE TO THE CIVIL RIGHTS OF OTHERS

COLON V. COUGHLIN 58 F. 3d 865, 873 (2nd Cir 1995)

X

KILLEEN POLICE DEPARTMENT TACTICAL RESPONSE UNIT.

JONATHAN R. RINEHART - SGT. :

- 1) VIOLATED PLAINTIFFS CONSTITUTIONAL RIGHTS. NAMELY 14TH, 8TH, AND 4TH AMENDMENT AGAINST UNREASONABLE SEARCHES AND SEIZURES. PLAINTIFFS RESIDENCE AT 1104 CIRCLE M DR APT. C KILLEEN, TX WAS RAIDED UNDER A "NO-KNOCK" CUSTOM WHICH SGT. RINEHART WAS DIRECTLY A PARTICIPATE
- 2) GAVE A INTENTIONAL INTERFERENCE WITH THE PLAINTIFF AND PLAINTIFFS

IT WAS AT THAT POINT THAT WINGFIELD HEARD "OFFICER DOWN" DISTRESS CALL. WINGFIELD'S ACTIONS WERE CLEARLY SEEN AS TOTAL DISREGARD TOWARDS OTHERS SAFETY AND/OR HUMAN LIFE. WINGFIELD'S "TRIGGER HAPPY" GUNFIRE HAVING HIS SUPERVISOR CHARLES DINWIDDIE CAUGHT IN HIS (WINGFIELD) CROSSFIRE. PLAINTIFF SUFFERS PHYSICAL, MENTAL AND EMOTIONAL DISTRESS, DEPRESSION, FEAR AS WELL AS PSYCHOLOGICAL INJURIES, DUE TO THE CIVIL VIOLATIONS CAUSED BY WINGFIELD AND HIS FAILURE TO ABIDE BY T.R.U. PROTOCOL RULES AND REGULATIONS

XII

KILLEEN POLICE DEPARTMENT TACTICAL RESPONSE UNIT

DEFENDANTS: DAVID DANIELS, ODIS DENTON, NATHAN McCOWN, LARRY JOHNSON, ADAM WILT
PLAINTIFF AND HIS COMMON LAW WIFE WERE AT THEIR RESIDENCE AT 1104 CIRCLE M DR. APT C KILLEEN, TX (AT APPROX. 5:30 A.M.) PLAINTIFF AWOKE TO THE BEDROOM WINDOW BEING VIOLENTLY BROKEN OUT. UNKNOWN TO THE PLAINTIFF THAT IT WAS KILLEEN POLICE T.R.U. SEEKING TO GAIN ENTRY FROM A "NO KNOCK" SEARCH WARRANT. PLAINTIFF WHILE PROTECTING HIS HOME AND FAMILY FROM WHAT HE BELIEVED TO BE A HOME INVASION FIRED A HANDGUN SEVERAL TIMES OUT THE BROKEN BEDROOM WINDOW. T.R.U. MEMBERS OPENED FIRE AT THE RESIDENCE SOME 45 ROUNDS FROM NAMED DEFENDANTS OFFICER DANIELS (10 SHOTS) OFFICER DENTON (10 SHOTS) OFFICER McCOWN (6 SHOTS) OFFICER JOHNSON (5 SHOTS) OFFICER WILT (1 SHOT), AND OFFICER WINGFIELD STATED (12-13 SHOTS) AND MORE THAT IS UNKNOWN TO PLAINTIFF

XIII

ALL DEFENDANTS LISTED IN PREVIOUS PARAGRAPH WERE CARELESS, NEGLIGENT, RECKLESS AND IN TOTAL DISREGARD FOR HUMAN LIFE, WHILE UNDER COLOR OF LAW. PLAINTIFFS CONSTITUTIONAL RIGHTS UNDER 14TH, 8TH, AND 4TH AMENDMENT WERE VIOLATED. TO BE FREED FROM ARBITRARY UNREASONABLE SEARCH AND SEIZURE. THE DEFENDANTS CREATED A POLICY OR CUSTOM OF "NO KNOCKS" UNDER WHICH UNCONSTITUTIONAL PRACTICES OCCURED AND/OR ALLOWED TO CONTINUE OF SUCH

A POLICY OR CUSTOM. ALL DEFENDANTS WERE "GROSSLY" NEGLIGENT AND EXHIBITED "DELIBERATE INDIFFERENCE" TO CIVIL RIGHTS OF OTHERS. PLAINTIFF SUFFERS PHYSICAL, MENTAL AND EMOTIONAL INJURIES. DEPRESSION, FEAR AND PSYCHOLOGICAL INJURIES. DUE TO THE DEFENDANTS FAILURE TO ABIDE BY T.R.U. RULES, REGULATIONS, POLICIES, AND PROTOCOL PROCEDURES

XIV

KILLEEN POLICE DEPARTMENT TACTICAL RESPONSE UNIT

DEFENDANTS: OFFICER AKERS, OFFICER CLARK, OFFICER KIRK, OFFICER MORRIS, OFFICER PETTY, OFFICER SUNE, OFFICER TRUELOVE, OFFICER GOODSBY, OFFICER NEU JAHK

ALL DEFENDANTS WERE DIRECTLY PARTICIPATES IN THE T.R.U. RAID TO THE PLAINTIFFS RESIDENCE AS STATED BEFORE IN KILLEEN, TX MAY 9, 2014. ALL DEFENDANTS PRESENTED NEGLIGENT, RECKLESS, AND TOTAL DESREGARD FOR HUMAN LIFE AND/OR THE SAFETY OF CIVILIAN CITIZENS, WHICH ALL DEFENDANTS, WHILE UNDER COLOR OF LAW PRESENTED A "NO KNOCK" NARCOTIC RAID. DEFENDANTS CREATED A POLICY OR A CUSTOM UNDER WHICH UNCONSTITUTIONAL PRACTICES HAD OCCURED AND/OR ALLOWED TO CONTINUE OF SUCH A POLICY OR CUSTOM. ALL DEFENDANTS EXHIBITED DELIBERATE INDIFFERENCE TO THE CIVIL RIGHTS OF THE PLAINTIFF, WHOM SUFFERS PHYSICAL MENTAL AND EMOTIONAL INJURIES, DEPRESSION, FEAR, AND PSYCHOLOGICAL INJURIES, DUE TO DEFENDANTS FAILURE TO ABIDE BY T.R.U. RULES, POLICIES, AND PROTOCOL PROCEDURES.

XV

DEFENDANTS: OFFICER FIEDER, OFFICER NAVARRO,

DEFENDANTS WERE PERSONALLY INVOLVED UNDER COLOR OF LAW WORKING FOR KILLEEN POLICE T.R.U. SURVEILLANCE TEAM. THEY ARRIVED AT (4:00-4:30 A.M.) MAY 9, 2014 AT PLAINTIFFS RESIDENCE. DEFENDANTS FAILED IN THEIR DUTIES TO SET-UP THE PROTOCOL PROCEDURES AS SET OUT. DEFENDANTS HEREIN VIOLATED PLAINTIFFS 14TH, 8TH, AND 4TH CONSTITUTIONAL RIGHTS UNDER SEARCH AND SEIZURE LAWS. PLAINTIFF HAS BEEN INFLECTED WITH PHYSICAL, MENTAL AND EMOTIONAL INJURIES, DEPRESSION, FEAR, AS WELL AS FALSE IMPRISONMENT TOWARDS THE DEATH OF OFFICER DINWIDDIE

(WHOM, THE EVIDENCE WILL SHOW, GOT CAUGHT UP IN THE CROSSFIRE OF HIS OWN TACTICAL RESPONSE UNIT) PLAINTIFF SUFFERS FROM POORLY-STARTED, TRAINED PERSONNEL THAT DID NOT EXIST, MERELY TRIGGER HAPPY POLICE THAT COULD NOT FOLLOW RULES, POLICIES AND T.R.U. PROTOCOL

XVI

KILLEEN T.R.U. DEFENDANTS JUAN OBREGON JR. ATTACKED PLAINTIFF WHILE PLAINTIFFS ARMS WERE RAISED AND NON-RESISTANT. PLAINTIFF WAS BODY SLAMMED. OFFICER OBREGON'S HAND GUN WAS JAMMED DOWN PLAINTIFFS THROAT, BREAKING TEETH AND BUSTING GUMS AND MOUTH. ALLEGATIONS TO BLOW THE BACK OF PLAINTIFFS HEAD OFF, PUNCHED AND KICKED PLAINTIFF SUSTAINING SWOLLEN RIBS AND SCRAPED CHEEK. DEFENDANTS "EXCESSIVE FORCE" UPON PLAINTIFFS COMMON LAW WIFE. ADAM WILTS (T.R.U. MEMBER) RETALIATION ON HER CAUSED BROKEN RIBS, BRUISED KNEES, WRIST ABRASIONS, SHOULDER PAIN AND PAIN IN PELVIC AREA. PLAINTIFFS CONSTITUTIONAL RIGHTS WERE CLEARLY VIOLATED BY BOTH DEFENDANTS STATED HEREIN.

XVII

DEFENDANT CITY OF KILLEEN, TEXAS: ON MAY 9 2014, WAS NEGLECTFUL IN ITS DUTIES TO REGULATE ORDERS, POLICIES OR PROCEDURES OF THE FIRE DEPARTMENT OR THE KILLEEN POLICE DEPARTMENT EMPLOYEE POLICY RULE OR REGULATION THE CITY FAILED IN THEIR DUTY TO CHANGE T.R.U. POLICIES OR PROCEDURES AFTER THE DEATH OF OFFICER ROBERT HORNSBY (JULY 13, 2013) PLAINTIFFS DUE PROCESS RIGHTS WERE VIOLATED THEREOF CAUSING PHYSICAL, MENTAL AND EMOTIONAL INJURIES.

DINWIDDIE AS TO THE ESTABLISHED PROTOCOL TO VERIFY SEARCH WARRANT.
SGT. RINEHARTS FAILURE TO SET UP BRIEFING AREA TO PROPERLY
BRIEF T.R.U. LEADER DINWIDDIE, LEFT T.R.U. LEADER AND HIS TEAM
WITH NO SAFETY PLAN OF ACTION. IN WHICH PUT PLAINTIFF AS WELL
AS CITIZENS IN AN UNSAFE AND DEADLY SITUATION, RESULTING
IN T.R.U. LEADER DINWIDDIE'S DEATH AND THE SHOOTING OF
DET. DAVID DANIELS, OTIS DENTON, XAVIER CLARK, AND A DEADLY CROSS-
FIRE SITUATION AS STATED BY OFFICER STEVEN KIRK (SEE EXHIBIT B
REPORT). PHYSICAL INJURY AND PAIN, MENTAL ANGUISH, LOSS OF LIBERTY,
EMOTIONAL INJURY. PLAINTIFF SUFFERS FROM DEFENDANTS NEGLIGENCE
ACTING UNDER THE COLOR OF LAW PURSUANT TO (PARA I. SEC. B PAGE 2)

(D) PLAINTIFF REQUEST TO BE AWARDED \$2 MILLION IN COMPENSATORY
DAMAGES FROM THE DEFENDANTS; THE CITY OF KILLEEN AND CHARLES
DINWIDDIE. JOINTLY AND INDIVIDUALLY FOR FAILING TO ACT
ACCORDINGLY WITH T.R.U. PROTOCOL AND POLICY DURING AND BEFORE
THE MAY 9TH, 2014 INCIDENT (THAT INEVITABLY COST MR. DINWIDDIE
HIS LIFE) IN BRIEFING AND PLANNING TO CONTROL THE DEFENDANTS IN
BRIEFING BEFORE THE MISSION. THIS IN TURN LEFT T.R.U. TEAM
AND ALL CONCERNED IN A STATE OF CONFUSION AS TO THE OBJECTIVE.
THAT COULD HAVE PRODUCED A FAVORABLE AND SAFE OUTCOME FOR ALL.
DEFENDANTS WERE IN VIOLATION OF PARAGRAPH I SEC (B) PAGE 2
PLAINTIFF SUFFERS PERSONAL HUMILIATION, PHYSICAL PAIN AND INJURY,
MENTAL ANGUISH, LOSS OF LIBERTY, EMOTIONAL INJURY RESULTING FROM
DEFENDANTS NEGLIGENCE.

II

PLAINTIFF REQUEST THE COURT TO AWARD \$10 MILLION IN
PUNITIVE DAMAGES FROM DEFENDANT JUAN OBREGON JR. FOR:

RELIEF

PLAINTIFF REQUEST THE COURT GRANT THE FOLLOWING:

I

(A) AWARDS COMPENSATORY DAMAGES FROM DEFENDANTS IN THE AMOUNT OF \$2 MILLION JOINTLY AND INDIVIDUALLY, THE MUNICIPALITY KNOWN AS THE CITY OF KILLEEN et al. FOR HUMILIATION, PHYSICAL PAIN AND INJURY, MENTAL ANGUISH, LOSS OF LIBERTY, EMOTIONAL INJURY, RESULTING FROM NEGLIGENCE IN THE DEFENDANTS DUTIES AND VIOLATION OF PLAINTIFFS CIVIL RIGHTS.

ALL PARTIES: THE CITY OF KILLEEN. DENNIS BALDWIN, JONATHAN R. RINEHART, ZACHRY AKERS, XAVIER CLARK, DAVID DANIELS, OTIS DENTON, CHARLES DINWIDDIE, JOSEPH FIELDER, BRYON GOODSBY, LARRY JOHNSON, STEVEN KIRK, NATHAN McCOWN, CHRISTOPHER MORRIS, JOSE NAVARRO, MICHAEL NEUSAHR, JUAN OBREGON JR., JASON PETTY, ALEJANDRO SUNE, MICHAEL TRUELOUE, ADAM WILT, WILLIE WINGFIELD.

(B) PLAINTIFF FURTHER SEEKS COMPENSATORY DAMAGES FROM DEFENDANTS THE CITY OF KILLEEN AND DENNIS BALDWIN JOINTLY AND INDIVIDUALLY FOR \$2 MILLION FOR:

FAILURE TO PROPERLY TRAIN SGT. JONATHAN R. RINEHART ON POLICY AND PROTOCOL ON GENERAL ORDER OF THE CIVIL SERVICE COMMISSION. (SEE 2014 I. A. REPORT IN EXHIBIT A) (SEE PAGE 3 PARA. III) PLAINTIFFS CIVIL RIGHTS WERE VIOLATED. PLAINTIFF SEEKS ANOTHER \$5 MILLION FOR COMPENSATORY DAMAGES RESULTING FROM FAILURE TO TRAIN SUBORDINATES AND THE "NO KNOCK" CUSTOM WHICH ARE PURSUANT IN (HATE CRIME ACTS) (SEE PARAGRAPH I SEC. B PAGE 2)

(C) PLAINTIFF REQUEST COURT TO AWARD \$5 MILLION IN COMPENSATORY DAMAGES FROM DEFENDANTS THE CITY OF KILLEEN AND SGT. JONATHAN RINEHART JOINTLY AND INDIVIDUALLY, AS SUPERVISOR ON DUTY, RINEHART AND CITY OF KILLEEN FAILED IN DUTY TO TRAIN OR SUPERVISE T. R. 11 LEADER CHARLES

(HATE CRIME ACT) STATED IN PARAGRAPH I SECTION A PAGE 2 OF COMPLAINT.

(F) PLAINTIFF REQUEST COURT AWARD \$2 MILLION IN PUNITIVE DAMAGES FROM EACH OF THE FOLLOWING DEFENDANTS; DAVID DANIELS, OTIS DENTON, LARRY JOHNSON, NATHAN MCCOWN, ADAM WILT, WILLIE WINGFIELD. FOR OPENING FIRE WITH GOVERNMENT ISSUED SERVICE WEAPON WITHOUT A TARGET, IN VIOLATION OF THE CIVIL SERVICE COMMISSION ON LAW ENFORCEMENT RULE AND VIOLATION OF PLAINTIFFS CIVIL RIGHTS SEE PARAGRAPH I SECTION B PAGE 2 OF COMPLAINT

(G) PLAINTIFF REQUEST COURT TO AWARD \$2 MILLION IN PUNITIVE DAMAGES FROM EACH OF THE FOLLOWING DEFENDANTS; ZACHRY AKERS, XAVIER CLARK, BRYON GOODSBY, JASON PETTY, STEVEN KIRK, CHRISTOPHER MORRIS, JOSE NAVARRO, MICHAEL NEUJAHN, ALEJANDRO SUNE, MICHAEL TRUELOVE. FOR ALL ACTING UNREASONABLY UNDER (SEE PARAGRAPH I SECTION B PAGE 2.

III

PLAINTIFF SEEKS RELIEF FROM DEFENDANTS IN TOTAL AMOUNT OF \$114,000,000 (\$114 MILLION) FOR COMPENSATORY AND PUNITIVE DAMAGES.

PLAINTIFF PRAYS HONORABLE JUDGE OF SAID AND STATED COURT GRANT THIS RELIEF.

RESPECTFULLY SUBMITTED
Marvin L. Guit
MARVIN L. GUIT