

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas

Doral Lynn Criswell

Plaintiff(s)

v.

Miguel Sanchez; Toby Williams; Kevin Atkinson;
Davide McIntosh; First Arkansas Bail Bonds, Inc.;
Officer Clint Evans; Officer Austin Brown; and Officer
Keith Whitley

Defendant(s)

Civil Action No. 4:21-CV-179-JM

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

First Arkansas Bail Bonds, Inc.
C/O Registered Agent Brad Parnell
706 South Main Street, Suite E
Mountain Home, AR 72653

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Wright Lindsey & Jennings LLP
Alexander T. Jones
200 West Capitol Avenue, Suite 2300
Little Rock, AR 72201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TAMMY H. DOWNS
CLERK OF COURT

[Handwritten signature]

Signature of Clerk or Deputy Clerk

Date: 05/13/2022

Civil Action No. 4:21-CV-179-JM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

DORAL LYNN CRISWELL

PLAINTIFF

VS.

NO. 4:21-CV-179-JM

MIGUEL SANCHEZ; TOBY WILLIAMS;
KEVIN ATKINSON; DAVIDDE MCINTOSH;
FIRST ARKANSAS BAIL BONDS, INC.;
OFFICER CLINT EVANS; OFFICER
AUSTIN BROWN; AND OFFICER
KEITH WHITLEY

DEFENDANTS

FIRST AMENDED COMPLAINT

Plaintiff Doral Lynn Criswell (“Criswell”), for his first amended complaint against defendants Miguel Sanchez, Toby Williams, Kevin Atkinson, Davidde McIntosh (collectively “the bondsmen”), First Arkansas Bail Bonds, Inc. (“First Arkansas Bail”), Officer Clint Evans, Officer Austin Brown, and Officer Keith Whitley (collectively “the Conway Officers”) states as follows:

INTRODUCTION

1. The Constitution guarantees the freedom from unreasonable seizures. U.S. Const. Amend. IV. While the **Fourth Amendment** acknowledges the need to effectuate an arrest “carries with it the **right to use some degree of physical coercion**,” *Graham v. Connor*, 490 U.S. 386, 396 (1989), the amount of force used during an arrest **must be reasonable under the particular circumstances**. And courts have recognized that the **“right to be free from excessive force in the context of an arrest is clearly established . . .”** *Brown v. City of Golden Valley*, 574 F.3d 491, 499 (8th Cir. 2009) (citations omitted).

2. These guarantees apply to an individual who is **unreasonably tased** in the course of arrest. And on the night of November 13, 2020, when Criswell was tased to the point of unconsciousness by a bail bondsman untrained in the use of his company-provided taser, Criswell's **Fourth Amendment rights were violated.**

3. This action seeks **compensatory and punitive damages** arising from the injuries suffered by Criswell due to the civil rights violations of four bail bondsmen, Miguel Sanchez, Toby Williams, Kevin Atkinson, and Davidde McIntosh. This lawsuit similarly seeks damages against their employer, First Arkansas Bail, for violating Criswell's **civil rights** as well as **failing to appropriately train and supervise its employees on using company-issued tasers.**

4. As a result of the employment and agency relationship between the bondsmen defendants and First Arkansas Bail, all alleged actions, omissions, negligence recklessness, and intentional acts committed by individual bondsmen as set forth in this first amended complaint are imputed to First Arkansas Bail under the doctrine of *respondeat superior*. At the times the wrongful acts occurred, all four bondsmen were acting in whole or in part for the business purpose and benefit of First Arkansas Bail.

5. Because all defendants worked in concert with officers of the Conway Police Department in their denial of Criswell's constitutional rights, the bondsmen and their employer are each subject to liability under 42 U.S.C. § 1983. *Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 536 (8th Cir. 1999).

6. This action also seeks damages against the Conway Officers for excessive force.

PARTIES

7. Criswell is a resident of Pulaski County, Arkansas.

8. Separate defendant Sanchez is an individual and is a resident of Judsonia, White County, Arkansas. Sanchez is a licensed bail bondsman with the state of Arkansas, license number AA-480.

9. Separate defendant Williams is an individual and, upon information and belief, is a resident of Ward, Lonoke County, Arkansas. Williams is a licensed bail bondsman with the state of Arkansas, license number AA-517.

10. Separate defendant Atkinson is an individual and, upon information and belief, is a resident of Vilonia, Faulkner County, Arkansas. Atkinson is a licensed bail bondsman with the state of Arkansas, license number CH-090.

11. Separate defendant McIntosh is an individual and, upon information and belief, is a resident of Judsonia, White County, Arkansas. McIntosh is a licensed bail bondsman with the state of Arkansas, license number AA-269.

12. Separate defendant First Arkansas Bail is an Arkansas corporation authorized to do business in this state. The company is headquartered in Baxter County, Arkansas at 706 S. Main St., Mountain Home, Arkansas 72653. First Arkansas Bail's registered agent for service of process is Brad Parnell, whose address is also 706 S. Main St., Mountain Home, Arkansas 72653.

13. Separate defendant Evans is an individual and, upon information and belief, is a resident of Conway, Faulkner County, Arkansas.

14. Separate defendant Brown is an individual and, upon information and belief, is a resident of Conway, Faulkner County, Arkansas.

15. Separate defendant Whitley is an individual and, upon information and belief, is a resident of Conway, Faulkner County, Arkansas.

JURISDICTION AND VENUE

16. This is an action arising under 42 U.S.C. § 1983 to redress the deprivation of rights secured by the Fourth Amendment to the United States Constitution. This Court therefore has jurisdiction over this action under 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1343 (civil rights jurisdiction).

17. This Court has supplemental jurisdiction over Criswell's state-law claims under 28 U.S.C. § 1367(a) (supplemental jurisdiction).

18. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2) and 1391(c)(2), and 1391(d). First, "substantial part of the events . . . giving rise" to Criswell's claims occurred in this judicial district. § 1391(b)(2). Second, all defendants except First Arkansas Bail reside in this judicial district. Though the company is headquartered in Baxter County, Arkansas, which is part of the Western District of Arkansas, it is subject to personal jurisdiction in this district. So venue is proper under § 1391(c)(2). Last, as Arkansas is a state with "more than one judicial district," First Arkansas Bail is "deemed to reside in any" Arkansas district in which "its contacts would be sufficient to subject it to the personal

jurisdiction” in that district. First Arkansas Bail conducts substantial business and maintains multiple business locations in the Eastern District of Arkansas, Central Division. Venue is proper. § 1391(d).

FACTS

19. The facts and circumstances giving rise to this first amended complaint occurred in White County, Arkansas and Faulkner County, Arkansas.

20. Prior to November 13, 2020, Criswell was subject to pre-trial release upon filing of felony charges. His bail had been set at \$10,600.00. Following that arrest, First Arkansas Bail posted bail on Criswell’s behalf.

21. During the Covid-19 pandemic, Criswell did not appear at a court date for the underlying arrest.

22. Upon information and belief, following Criswell’s non-appearance the bondsmen, at First Arkansas Bail’s direction, set out to locate Criswell. They did so for financial reasons. The bond First Arkansas Bail posted would have subject to forfeiture and the company would have been liable to bond forfeiture in excess of \$10,000.00.

23. On the night of the November 13, 2020, the bondsmen, at the direction of First Arkansas Bail, were searching for Criswell.

24. McIntosh, who works in the First Arkansas Bail’s Searcy office with Sanchez, received a call from someone at First Arkansas Bail’s Conway office asking for help locating and detaining Criswell. At the direction of First Arkansas Bail,

McIntosh and Sanchez traveled from White County, Arkansas to Faulkner County, Arkansas for the purpose of locating and detaining Criswell.

25. Upon information and belief, the bondsmen located Criswell at an apartment complex in Conway, Arkansas.

26. Upon information and belief, after the bondsmen identified Criswell, they notified the Conway Police Department pursuant to their duties to notify local law enforcement under Ark. Code Ann. § 16-84-114. Upon information and belief, McIntosh, or one of the other bail bondsmen, did this by communicating on the phone with the Conway Police Department.

27. After the bondsmen identified Criswell, they observed him walk to his car in the parking lot. The bondsmen then approached Criswell's car along with members of the Conway Officers, whom McIntosh, or one of the other bail bondsmen, was communicating with while they were watching Criswell. One of the bondsmen knocked on the car's window and asked Criswell to identify himself. Upon information and belief, one or more of the bondsmen stated he identified Criswell.

28. After identifying Criswell, the bondsmen, continuing to act at First Arkansas Bail's direction, asked Criswell to step out of his car. None of the bondsmen defendants were the bondsman who issued Criswell the surety bond at issue. Criswell did not know who these men were. Once Criswell stepped out of the car one of the bondsmen identified themselves verbally as a "bail bond company." None of the bondsmen showed Criswell their state-issued bond license.

29. Thereafter, and despite the fact that the **Conway Officers were standing by**, one of the bondsmen initiated a weapon's search on Criswell. During this search by plain-clothed individuals unknown to Criswell, Criswell fled.

30. The **bondsmen and the Conway Officers then pursued Criswell** together. Video evidence of the encounter shows that Criswell fell to the ground before Evans eventually **caught Criswell and forced him fully down to the ground**.

31. After Evans's take down, and while he was holding Criswell, Sanchez then **shot Criswell with a taser**.

32. Video from the incident show that Criswell was secured when Sanchez shot him with a First Arkansas Bail-issued Taser X26. Video further shows that Sanchez almost hit Evans with the taser. Upon information and belief, this is not the model of taser device employed by the Conway Police Department.

33. Further video from the incident shows that Sanchez hit Criswell with the Taser X26 at an area of Criswell's body at elevated risk of foreseeable direct or secondary injuries.

34. After Sanchez shot Criswell, Sanchez left the prongs of his Taser X26 in an area of Criswell's body at elevated risk of foreseeable direct or secondary injuries. Sanchez and the bondsmen did not remove the prongs until Brown arrived at the scene and was forced to do so himself.

35. Due to Sanchez shooting Criswell in an area of his body at elevated risk of foreseeable direct or secondary injuries, and due to Sanchez's leaving the prongs in too long, **Criswell was shocked unconscious at the scene**.

36. Due to Criswell's non-responsiveness, officers of the Conway Police Department were forced to contact EMS, which conveyed Criswell to Conway Regional Medical Center ("CRMC"). Criswell remained unconscious upon arrival at CRMC, where he was admitted with a Glasgow Coma Score of 7.

37. After Criswell arrived at CRMC, emergency room physicians admitted Criswell to the hospital at CRMC due to his condition. Criswell required extensive medical treatment at Conway Regional Medical Center. Criswell did not regain consciousness until considerable time after his arrival.

38. As a result of Sanchez's tasing and the actions of the bondsmen under First Arkansas Bail's order, Criswell incurred medical costs and suffered physical injuries, pain, and suffering.

**COUNT I – EXCESSIVE FORCE UNDER 42 U.S.C. § 1983 AND THE
FOURTH AMENDMENT – SANCHEZ, WILLIAMS, ATKINSON, AND
MCINTOSH**

39. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

40. The Fourth Amendment to the United States Constitution, as incorporated and made applicable to the states by the Fourteenth Amendment, protects citizens from "unreasonable . . . seizures[.]" U.S. Const. Amend. IV. That amendment governs excessive force claims in the course of an arrest. *Jackson v. Stair*, 944 F.3d 704, 710 (8th Cir. 2019). Whether the amount of force used during an arrest was reasonable is governed by an objective reasonableness standard.

Graham, 490 U.S. at 394–96. Courts must consider several factors in making the

determination, including the severity of the crime, whether the suspect posed a threat, and whether he was attempting to flee. *Id.* at 396.

41. The amount of force used by Sanchez and the failure of all the bondsmen to remove the taser prongs from Criswell qualifies as unreasonable force under the Forth Amendment.

42. Flight standing alone is not a justification for the use of a Taser.

43. Criswell posed no immediate threat to anyone when Sanchez tased him and the bondsmen did not remove the taser's prongs. Evans had already subdued Criswell and he was on the ground.

44. Criswell, at the moment Sanchez tased him, was not attempting to flee. Evans had already subdued him. Sanchez's use of a taser was therefore unreasonable given the circumstances.

45. Supporting the unreasonableness of the bondsmen's chase and use of a taser is their lack of knowledge on taser operations. Conway P.D. policy states that only "officers that have successfully completed" training will be authorized to carry and deploy a taser. The policy also requires a warning be given prior to deployment. The policies state that officers should refrain from deploying tasers in sensitive areas of the body.

46. Unlike certified law enforcement officers, First Arkansas Bail's bondsmen were not trained nor authorized to use a taser. The company has never trained Sanchez on how to use a taser. Nor does the company have an internal policy on using weapons or force in the course of an apprehension. This lack of

training, internal guidance, or any policy governing the use of force led to Sanchez shooting Criswell in an area of Criswell's body at escalated risk of electrical injury and without any consideration of the need to employ force, to any degree, to conduct an arrest.

47. Further, unlike the certified law enforcement officers of the Conway Police Department, the bondsmen and First Arkansas Bail had a financial incentive to subdue Criswell. Due to that incentive the bondsmen, at First Arkansas Bail's direction, used whatever force they deemed necessary against Criswell, with no regard for his constitutional rights.

48. As a direct result of these actions Criswell suffered physical injuries.

49. And as a direct result of the bondsmen's work in concert with the Conway Police Department Criswell's Fourth Amendment rights were violated.

**COUNT II – EXCESSIVE FORCE UNDER 42 U.S.C. § 1983 AND THE
FOURTH AMENDMENT – FIRST ARKANSAS BAIL**

50. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

51. A private entity can qualify as a state actor “when the private entity performs a traditional, exclusive public functions,” and “when the government acts jointly with the private entity.” *Doe v. North Homes, Inc.*, 11 F.4th 633, 637 (8th Cir. 2021) (internal quotations omitted). If the claimed violation resulted from an exercise “having its source in state authority” and the entity can be “appropriately characterized” as a state actor § 1983 applies. *Ibid.* (quoting *Lugar v. Edmondson*

Oil Co., 457 U.S. 922, 939 (1982)). Further, the power to detain a person rests with the state. *See Kansas v. Hendricks*, 521 U.S. 346, 357 (1997).

52. However, on the night of November 13, 2020, the bondsmen acted at the direction of First Arkansas Bail in attempting to detain Criswell.

53. The bondsmen located Criswell, seized him, and pursued him along with the Conway Officers. This includes not only the bondsmen and Conway Officers chasing him, but McIntosh communicating with the Conway Officers for hours before confronting Criswell. These communications and actions led to Criswell's injuries.

54. Additionally, upon information and belief, it was First Arkansas Bail's custom or policy to require its bondsmen to work with local police to unconstitutionally seize individuals, which McIntosh did. It was also First Arkansas Bail's custom or policy to equip its bondsmen with weapons, but not train them on how to use those weapons.

55. Thus, First Arkansas Bail's custom or policy of allowing its bondsmen to detain individuals with a taser, but without training on it, resulted in Criswell being unnecessary tased and left on the ground with the prongs in him.

56. Under First Arkansas Bail's standard, the official policy directed resulted in Criswell's Fourth Amendment deprivation.

**COUNT III – ASSAULT – SANCHEZ, WILLIAMS, ATKINSON, AND
MCINTOSH**

57. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

58. Sanchez's unconstitutional tasing of Criswell constituted an intentional attempt to cause injury to him by force and offensive touching.

59. Sanchez forcibly shot Criswell with a taser while he was already detained by a properly training Conway police officer.

60. Sanchez created a reasonable apprehension of imminent physical and immediate harmful and offensive touching upon Criswell when he tased him while he was already detained.

61. Sanchez was, in the course of performing the wrongful acts described herein, acting for the purpose and benefit of First Arkansas Bail as part of his duties as an employee of First Arkansas Bail.

62. Sanchez utilized a taser on Criswell without proper training, which is a violation of Arkansas law. Ark. Code Ann. § 5-73-133(c).

63. The injuries suffered by Criswell were inflicted while he was presenting no immediate threat.

64. Sanchez's intentional acts were a proximate cause and result of injuries to Criswell.

65. Additionally, Williams, Atkinson, and McIntosh created a reasonable apprehension of imminent physical and immediate harmful and offensive touching upon Criswell when they participated in Sanchez's negligent, reckless, or malicious taser usage.

66. Williams Atkinson, and McIntosh also failed to appropriate remove the taser's prongs following Sanchez's negligent taser usage.

67. Williams, Atkinson, and McIntosh were, in the course of performing the wrongful acts described herein, acting for the purpose and benefit of First Arkansas Bail.

68. Williams, Atkinson, and McIntosh's acts were a proximate cause and result of injuries to Criswell.

COUNT IV – BATTERY – SANCHEZ

69. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

70. Sanchez's conduct as alleged herein constitutional nonconsensual, wrongful, and offensive harmful conduct upon Criswell.

71. Sanchez's physical conduct with Criswell was intentional in nature and intended to cause physical injury by means of harmful or offensive contact with Criswell.

72. Sanchez's conduct constitutes the tort of battery.

73. As a direct and proximate result of the willful, wanton, malicious, and intentional actions of Sanchez, Criswell suffered bodily injuries, mental anguish, and embarrassment.

74. Sanchez was, in the course of performing the wrongful acts, acting for the purposes and benefit of First Arkansas Bail. Specifically, he was directed by the company to detain Criswell without proper training. Further, the company equipped him with a taser to utilize without proper training.

**COUNT V – *RESPONDEAT SUPERIOR* LIABILITY –
FIRST ARKANSAS BAIL**

75. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

76. At all times relevant herein, the bondsmen were working and acting within the course and scope of their employment and for the financial benefit of First Arkansas Bail.

77. Upon information and belief, First Arkansas Bail directed the bondsmen to apprehend Criswell with the help of the Conway Police Department.

78. First Arkansas Bail directs its bondsmen to utilize whatever force necessary to apprehend individuals out on bail.

79. First Arkansas Bail was directly responsible for supervising its employments to ensure they did not violate anyone's constitutional rights.

80. First Arkansas Bail, by operation of law and the doctrine of *respondeat superior*, is vicariously liable for the negligent acts of its employees when they are acting in the scope of their employment.

81. As a direct result of the actions of First Arkansas Bail's employees, Criswell suffered bodily injuries, mental anguish, and embarrassment.

COUNT VI – NEGLIGENT TRAINING – FIRST ARKANSAS BAIL

82. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

83. First Arkansas Bail had a duty to have adequate policies and procedures in place to ensure the individuals its employees detained were not negligently harmed.

84. However, First Arkansas Bail does not have any internal policies or procedures regarding its bondsmen using force while apprehending suspects. The company does, however, supply its bondsmen with weapons, including the taser employed by Sanchez on November 13, 2020, which they may use whenever they like and with no direction or supervision.

85. Furthermore, First Arkansas Bail does not train its bondsmen on these weapons. The company's bondsmen have never received any training from their employer on using weapons in the course of seizing individuals with the help of local law enforcement agencies. Accordingly, First Arkansas Bail sends bondsmen into the line of duty with no training on any pertinent procedures, while the officers they are with (and sometimes work in place of) receive years of training on these issues. First Arkansas Bail should have known that its failure to train its employees on using weapons would subject third parties to an unreasonable risk of harm.

86. First Arkansas Bail was negligent in training the bondsmen.

87. As a direct and proximate result of First Arkansas Bail's negligence in training the bondsmen, Criswell suffered bodily injuries, mental anguish, and embarrassment.

COUNT VII – NEGLIGENT SUPERVISION – FIRST ARKANSAS BAIL

88. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

89. There is a duty of reasonable care in supervision of employees. And when a third party is injured as a result of the tortious act of an employee the employer is liable.

90. First Arkansas Bail failed to exercise reasonable care in supervising the bondsmen. Specifically, the company did not monitor the bondsmen's use of weapons while in the course of searching for individuals for whom the company was potentially subject to bond forfeiture. This failure to monitor led to a systematic company practice where bondsmen were motivated by financial gain to seize individuals such as Criswell without regard to their constitutional, or contractual, rights. First Arkansas Bail should have known that this behavior would subject third parties to an unreasonable risk of harm.

91. As a result of First Arkansas Bail's negligent supervision of the bondsmen, Criswell suffered bodily injuries, mental anguish, and embarrassment.

COUNT VIII – EXCESSIVE FORCE UNDER 42 U.S.C. § 1983 AND THE FOURTH AMENDMENT – EVANS, BROWN, AND WHITLEY

92. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

93. The Conway Officers unreasonably seized Criswell without probable cause when they chased him following his encounter with the bondsmen.

94. Evans used unreasonable force without probable cause when he tackled Criswell following his encounter with the bondsmen.

95. The Conway Officers were further unreasonable in allowing the bondsmen to act as officers while they stood by. Indeed, by acting on their training, the Conway Officers could have prevented this incident from occurring but failed to do so.

96. As a direct and proximate result of the Conway Officer's failure to intervene, Criswell suffered bodily injuries, mental anguish, and embarrassment. Further, Evans unreasonable force in tackling Criswell following his encounter with the bondsmen caused Criswell to sustain additional damages.

DAMAGES

97. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

98. Criswell is entitled to the following measure of damages:

- a. The nature, extent, duration, and permanency of his injuries;
- b. The full extent of the injuries she sustained;
- c. The expense of medical care, treatment, and services received, including transportation, board, and lodging expenses and expenses that will be quired in the future;
- d. Pain, suffering, embarrassment, humiliation, and mental anguish experienced in the past, present, and reasonably expected to experience in the future; and
- e. Other out-of-pocket expenses.

99. The injuries and damages described herein have been suffered in the past and will continue into the future.

**PUNITIVE DAMAGES – SANCHEZ, WILLIAMS, ATKINSON, MCINTOSH,
AND FIRST ARKANSAS BAIL**

100. Criswell incorporates by reference all of the foregoing paragraphs as if fully restated herein.

101. Criswell seeks punitive damages against Sanchez, Williams, Atkinson, McIntosh, and First Arkansas Bail for their grossly negligent, reckless, knowing, or intentional acts and omissions. The bondsmen acted in a reckless, malicious, or deliberate manner from which malice may be inferred, and the bondsmen knew or should have known that their conduct would naturally and probably result in damages to Criswell. These actions include, but are not limited to, tasing Criswell when he was no longer in flight, tasing Criswell with an intent to harm him, tasing Criswell in an area of Criswell's body at elevated risk of foreseeable direct or secondary injuries, with an intent to harm him, and leaving the taser's prongs in an area of Criswell's body at elevated risk of foreseeable direct or secondary injuries with an intent harm him.

102. Further, First Arkansas Bail acted in a reckless, malicious, or deliberate manner from which malice may be inferred and knew or should have known that its conduct would naturally and probably result in damages to Criswell. The company's actions include instructing its employees to detain individuals by any means necessary for the purpose of financial gain and failing to train their bondsmen on the proper way to detain individuals in accordance with both necessary customs and constitutional requirements. Further, by not implementing any policy or weapon usage or providing any training on the subject, First Arkansas

Bail knew or should have known that eventually one of their bondsmen would injure an individual using improper detainment tactics.

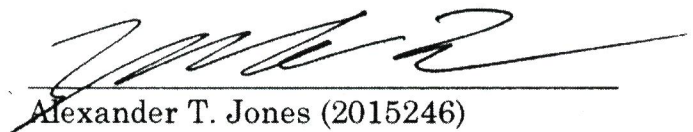
103. The bondsmen and First Arkansas Bail continued such conduct under circumstances in a conscious or deliberate disregard of the consequences to Criswell, from which malice may be inferred.

104. Punitive damages are needed to punish the bondsmen and First Arkansas Bail and deter them and others from similar conduct.

JURY TRIAL DEMAND AND PRAYER FOR RELIEF

105. Criswell requests a jury trial on all issues herein.

WHEREFORE, plaintiff Doral Lynn Criswell prays for a judgment and verdict against defendants Miguel Sanchez, Toby Williams, Kevin Atkinson, Davide McIntosh, First Arkansas Bail Bonds, Inc., Officer Clint Evans, Officer Austin Brown, and Officer Keith Whitley, both jointly and severally, awarding actual, special, compensatory, and consequential damages to the extent permitted by law, for exemplar or punitive damages as permitted by law and as requested, for an award of costs and attorney's fees, including costs and expenses, and for all other relief at law or equity to which he is entitled.



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