

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

**DELVON L. KING
2021 Brooks Drive
District Heights, MD 20747**

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Plaintiff,

CASE NO.: _____

v.

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**HON. ROBERT C. NALLEY
6225 Burford Place
La Plata, MD 20646**

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Jury Trial Demanded

Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Delvon L. King, through his attorneys, Steven D. Silverman, Anna S. Kelly and Silverman, Thompson, Slutkin & White, LLC, hereby sues The Honorable Robert C. Nalley, (“Defendant Nalley”), a retired judge on the Circuit Court of Charles County, Maryland, for ordering a deputy sheriff to apply deadly force by electrocuting and incapacitating Mr. King because Defendant Nalley felt Mr. King was “talking over” him. Defendant Nalley’s actions were so far beyond the realm of the actions of a reasonable jurist to constitute, among other grave consequences, an unlawful infringement of Mr. King’s Constitutional rights. Mr. King suffered grave personal injury as a direct and proximate result of Defendant Nalley’s actions, for which he is entitled to the remedies he demands here under the causes of action asserted below.

NATURE OF THE ACTION

1. This action arises out of the direct order from Defendant Nalley to torture and electrocute *pro se* Defendant, Mr. King, while he was conducting his defense.

2. Defendant Nalley has been a member of the Maryland and District of Columbia bars for the past forty-eight (48) years and before being appointed to the bench was the Assistant, Deputy and the elected State's Attorney for Charles County. Following his tenure as the elected State's Attorney for Charles County, he was appointed by Governor Hughes to the District Court of Charles County, where he served for seven (7) years. And following that, he was appointed to the Circuit Court where he served for twenty-five (25) years and an initial year in recalled status.

3. On July 23, 2014, Defendant Nalley presided over the jury selection of *State v. King*, 08K13001347 (Circuit Court for Charles County). During this proceeding, Defendant Nalley ordered a deputy sheriff to torture and electrocute Mr. King by activating the "stun-cuff" Mr. King was wearing. Defendant Nalley was aware that Mr. King was wearing the stun-cuff and that the activation of same would cause complete incapacitation and extreme pain.

4. In response to Defendant Nalley's question regarding Mr. King's *voir dire* questions, Mr. King began reciting a prepared argument regarding the Court's lack of jurisdiction over him. In the midst of Mr. King's presentation, Defendant Nalley ordered the sheriff's deputy to activate the stun-cuff, telling him to "[D]o it. Use it."

5. Defendant Nalley had the duty to protect each and every person's constitutional rights who came into his courtroom but despite this duty, Defendant Nalley intentionally and with malice violated Mr. King's constitutional rights, including but not limited to Mr. King's constitutional right to due process, when he ordered the deputy to electrocute Mr. King. Defendant Nalley's actions clearly exceed the scope of judicial conduct.

PARTIES, JURISDICTION AND VENUE

6. Plaintiff, Delvon L. King, is now, and at all times mentioned in this Complaint was, a resident of Prince George's County, Maryland.

7. Defendant, The Honorable Robert C. Nalley, at all times mentioned in this Complaint was, a duly appointed and acting judge in the Circuit Court for Charles County, Maryland acting under the color of law as a judge and acting outside the course and scope of his duties. He is sued in his individual and official capacities.

8. This court has jurisdiction of the action pursuant to 28 U.S.C.A. §§ 1331 and 1343, as Plaintiff seeks to recover damages or secure other appropriate relief pursuant to 42 U.S.C.A. §§ 1983, a civil action providing for the deprivation of rights.

9. Venue is proper pursuant to 28 U.S.C.A. § 1391(b). All parties reside in this judicial district, and the events giving rise to the claims asserted here occurred within this judicial district.

FACTS COMMON TO ALL COUNTS

10. On July 23, 2014, in the Circuit Court for Charles County, in the midst of proceeding with jury selection, Mr. King began reciting a prepared argument regarding his belief concerning the lack of jurisdiction of the Court over his person.

11. Mr. King was standing calmly behind a table throughout the proceeding and never approached Defendant Nalley or any other person in the courtroom.

12. Mr. King was outfitted with a "stun-cuff" on his ankle, a system "intended to reduce the risk of prisoner violence and the degree of physical force required by officers to control violent prisoners" (Administrative and Operational Manual § 3-832).

13. Mr. King presented no danger to Defendant Nalley or others present in the courtroom, made no aggressive movements or threatening statements and posed no threat to himself, Defendant Nalley, or anyone in the courtroom.

14. In the midst of Mr. King's presentation, Defendant Nalley instructed Mr. King to stop talking and to be quiet, which did not stop Mr. King's presentation.

15. It was at that point, in the midst of Mr. King's presentation, that Defendant Nalley ordered the deputy sheriff to activate the stun-cuff and electrocute Mr. King.

16. At that time, Mr. King was not violent, was not resisting arrest or making any threatening remarks to the Court. In fact, he did not raise his voice at any point during the proceedings, and based upon information and belief, there were no private citizens in the courtroom at the time.

17. The electrocution, the sending of thousands of volts of electricity through Mr. King's body, caused Mr. King to writhe on the ground in uncontrollable spasms and painful screams for several minutes in excruciating pain.

18. Mr. King was forced to continue his representation of himself for his trial, despite his inability to walk properly or think clearly as a result of the electrocution.

19. Defendant Nalley intentionally deprived Mr. King of his constitutional right to due process, including but not limited to, the right to be free from any unreasonable use of force or excessive force.

20. Defendant Nalley pled guilty before Magistrate Judge William Connelly in the United States District Court for the District of Maryland Southern Division to violating the civil rights of Mr. King as a result of the incident on July 23, 2014 to the offense of Deprivation of Rights Under Color of Law under 18 U.S.C.A. § 242, case number 8:16-cr-00023-WGC.

21. Defendant Nalley's guilty plea acknowledged that his order for the electrocution was objectively unreasonable under the circumstances.

22. The video depicting Defendant Nalley's order and the administration of the electric shock in the courtroom is on the Internet, has been viewed or seen hundreds of thousands of times by millions of people, was national news and coverage of same took up multiple pages on internet



Judge Robert C. Nalley Orders a Defendant TASERED In COURT!

searches for the world to see him screaming in a fetal position, and is so obviously humiliating to Mr. King (<https://www.youtube.com/watch?v=WdU8KLO3sbI>).

23. Mr. King still suffers from panic attacks and severe anxiety as a result of the electric shock.

CAUSE OF ACTION

COUNT I

(Excessive Force and Due Process)

24. Mr. King realleges and incorporates herein all of the paragraphs set forth above.

25. Mr. King asserts Count I of this action against Defendant Nalley in his individual capacity. Count I arises under 42 U.S.C. § 1983 to redress the deprivation under color of law of Mr. King's rights as secured by the United States Constitution.

26. At all times relevant to this Complaint, Mr. King had rights under the Fourth and Fourteenth Amendments to the United States Constitution not to have his person or property unlawfully searched, seized, detained in an unreasonable manner, not be deprived of his liberty without due process of law, and not to be summarily punished.

27. Defendant Nalley's unreasonable and illegal physical punishment of electric shock deprived Mr. King of his Fourth and Fourteenth Amendment rights to be secure in his person and effects against summary punishment.

28. Defendant Nalley's actions and omissions were committed under color of law, and were intentional, malicious, and exhibited a conscious disregard and/or reckless indifference to Mr. King's rights.

29. The aforementioned actions and omissions by Defendant Nalley were the cause in fact and the proximate cause of the violation of Mr. King's constitutional rights, physical and emotional injuries, and loss of personal freedom as set forth more fully above.

30. As a result of the above-referenced misconduct by Defendant Nalley, Mr. King has suffered and will continue to suffer: severe physical and mental pain; suffering and emotional distress; permanent injury and disability; loss of enjoyment of life; loss of personal property; and/or medical and psychological expenses.

31. The award of punitive damages against Defendant Nalley is proper and incorporates all of the paragraphs mentioned above because the acts and omissions of Defendant Nalley were committed with evil motive or intent and/or reckless or callous indifference to the constitutional

rights of Mr. King and, furthermore are necessary to punish him for his misconduct, and to deter similar misconduct. The use of electrocution merely to stop Mr. King from speaking was shocking and cruel and a total misuse of judicial power.

WHEREFORE, Mr. King requests:

- a. that judgment be entered in his favor against Defendant Nalley;
- b. that he be awarded compensatory damages against Defendant Nalley for an amount in excess of \$100,000.00 in compensatory damages to be established at trial;
- c. that he be awarded punitive damages against Defendant Nalley for an amount in excess of \$5,000,000.00 and enhanced punitive damages to be established at trial;
- d. that he be awarded reasonable expenses incurred in this litigation, including reasonable attorneys and expert fees pursuant to 42 U.S.C. §1988 (b) and (c), against Defendant Nalley; and
- e. that he be awarded any other further and general relief to which it may appear he is entitled.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this case.

/s/ Steven D. Silverman

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