

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DIVISION OF TEXAS  
GALVESTON DIVISION

LINDA MABE,	)	
	)	
<i>Plaintiff,</i>	)	<b>CIVIL ACTION NO.:</b> 3:17-cv-214
	)	
V.	)	<b>(JURY TRIAL)</b>
	)	
<b>CITY OF TEXAS CITY, TEXAS, and</b>	)	
<b>LINNARD R. CROUCH Jr. <i>Individually,</i></b>	)	<b>ORIGINAL COMPLAINT</b>
	)	
<i>Defendants.</i>	)	

**PLAINTIFF’S ORIGINAL COMPLAINT**

NOW COMES Plaintiff LINDA MABE complaining of the CITY OF TEXAS CITY, TEXAS and LINNARD R. CROUCH Jr., INDIVIDUALLY, and will show the Court the following:

**IN A NUTSHELL**

1. Texas City Police Officer Linnard R. Crouch Jr. was caught just days before Christmas 2016 on his body camera stealing or taking \$2400 or more in Christmas present money from elderly James Mabe, who was dying or had just passed away, while driving home. **Exhibit 1**, Texas City Police Department memo. The Mabe family’s Christmas, made so sad by James’ death, was shocking and appalling due to the theft or taking by a police officer of the Mabe’s Christmas money.

2. Prior to stealing or taking from the dying or dead James Officer Crouch had been repetitively found to have violated Texas City policy by not having his body camera on when handling the property of others and other violations. **Exhibit 2**, Texas City Police Department

sustained complaint records. Plaintiff requested all police theft complaints from Texas City but was rebuked.

3. Incredibly, 50 years earlier, before Christmas in 1966, Officer Crouch's grandfather, Texas City Police Officer Clarence Linnard Crouch, while on duty, stole several transistor radios. Officer Clarence Linnard Crouch said to another Texas City officer accompanying him that the radios *would make good Christmas gifts*. See **Exhibit 3**; *Crouch v. Civil Service Commission of Texas City*, 459 S.W. 2<sup>nd</sup> 491 (1970).

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over Plaintiff's federal claims, under 28 U.S.C. § 1331, 42 U.S.C. §§ 1983 and 1988, and supplemental jurisdiction, under 28 U.S.C. § 1367(a), to hear Plaintiff's state law claims, if any.

5. Venue is proper in this Court, under 28 U.S.C. § 1391(b), because the incident at issue took place in Galveston County, Texas, within the United States Southern District of Texas, Galveston Division.

### **PARTIES**

6. Plaintiff Linda Mabe is a resident of Galveston County, Texas.

7. Defendant City of Texas City, Texas is a governmental unit existing within the U.S. Southern District of Texas and can be served with process by serving the Texas City Mayor Matthew T. Doyle at 1801 9<sup>th</sup> Avenue North, Texas City, Texas 77592.

8. Defendant Linnard R. Crouch Jr., Individually, can be served with process at 2021 18<sup>th</sup> Avenue North, Texas City, Texas 77590 or wherever he is found.

**ADDITIONAL FACTS**

9. Linda (“Linda”) and James Mabe (“James”) were married in 1970. They had two children. They lived their entire life in Galveston, Texas. James was a small business owner and entrepreneur. Linda works in the family business and was a full-time mom. Linda was and is a law-abiding citizen and has never been arrested and convicted of any crime in her life.

10. The afternoon of December 19, 2016 James Mabe, 74 at the time, was visiting his son Michael Mabe, a lawyer and business owner, in Texas City, Texas where Linda was employed. While at Michael’s office Linda handed \$2,400 in cash to James in order to buy some Christmas presents for the family. James then drove away from Michael’s office. Linda and James loved the Christmas Season with the family tradition for more than 45 years being that Linda and James would host a huge Christmas meal followed by the exchange and opening of Christmas gifts.

11. Tragically, a short distance from Michael’s office, James felt something was wrong physically, and he stopped his vehicle on the street. Texas City police received a call about a pickup truck stopped in the roadway.

12. Texas City Police Officer Linnard R. Crouch Jr. (“Officer Crouch”) arrived at the scene at about 5:40 PM in his squad car. After opening James’ locked truck door, Officer Crouch then reached into James’ right front pocket and removed James’ \$2400 in Christmas present money and other money. Officer Crouch never reported the \$2400 and other money instead gave back less than \$300.

14. Later in the early evening standing in the ER just a few minutes after being informed James had died, Linda Mabe and son Michael Mabe were engaged by the audacious

Officer Crouch who had the nerve to look Linda Mabe and son Michael Mabe in the eyes and give Linda a baggie containing a just few hundred dollars of the money James had on him while telling them all his personal possession were in the baggie. Taking money off civilians and giving it directly to family members circumvents the usual documenting of property by the police property inventory process. Later that same night, Linda opened the baggie and what appeared to be a substantial amount of money was merely a stack of \$1.00 bills that James kept in the center console of the truck he drove. Linda learned her Christmas money was taken.

15. Michael Mabe phoned the Texas City Chief of Police Burby between 9:00 and 10:00 am on December 20, 21, and 22, 2017, to report the incident. Finally on December 22, 2016, a woman answered and said an officer would be contacting Michael.

16. Michael Mabe contacted Texas City and the Texas City Police Department with a letter dated February 15, 2017 to preserve all evidence and return the money. The request fell upon deaf ears and no money was returned. **Exhibit 4**, *letter to Texas City*.

17. These events caused Linda past and likely future pain and suffering, including at least grief, anxiety, depression, lost sleep, fear, embarrassment, anger, loss of enjoyment of life, physical disability, lost wages and monetary loss.

## **CAUSES OF ACTION**

### **Violations of the Fourth Amendment**

18. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

19. The Fourth Amendment guarantees everyone the right “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” *U.S. Const. amend. IV*. Fourth Amendment violation are actionable under 42 U.S.C. Section 1983.

20. Defendants violated Linda’s Fourth Amendment right, at least, when the \$2400 was

taken from a dead of dying James.

**Violations of the Fifth Amendment**

21. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

22. The Fifth Amendment states that “nor shall any State deprive any person of...property, without due process of law.” *U.S. Const. amend. XIV*. Fifth Amendment violations are actionable under 42 U.S.C. Section 1983.

**Policy, Practice, Custom and Procedure/Ratification**

23. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

24. Plaintiff had her rights violated and was injured due to the policies, practices, customs and procedures of the City of Texas City including at least:

- a. failure to train its officers;
- b. failure to discipline officers for theft and missing property complaints;
- c. failure to supervise;
- d. a code of silence;
- e. failure to fire or reassign Linnard Ray Crouch Jr.

**PUNITIVE DAMAGES**

25. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

26. All individuals sued are liable for punitive damages as they were consciously indifferent to the plaintiff’s constitutional rights and they did the acts knowingly, such acts being

extreme and outrageous and shocking to the conscious.

**ATTORNEY'S FEES**

27. Linda is entitled to recover attorneys' fees and costs to enforce her Constitutional rights and under 42 U.S.C. Sections 1983 and 1988, from Defendants.

**JURY TRIAL**

28. Linda demands trial by jury on all issues triable to a jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Linda Mabe requests that the Court:

- A. Enter judgment for Plaintiff against City of Texas City, Texas and each and every individually name defendant jointly and severally;
- B. Find that Plaintiff is the prevailing parties in this case and award attorneys' fees and costs, pursuant to federal law, as noted against defendants;
- C. Award damages to Plaintiff for the violations of her Constitutional rights and under state law;
- D. Award Pre- and post-judgement interest;
- E. Award Punitive damages against all individually named defendants; and
- F. Grant such other and further relief as appears reasonable and just, to which, Plaintiff shows herself entitled.

RESPECTFULLY SUBMITTED  
LAW OFFICE OF RANDALL L KALLINEN PLLC

/s/ Randall L. Kallinen

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