

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

AUG 29 2018

DOUGLAS F. YOUNG, Clerk
By

~~Deputy Clerk~~
PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CANDACE PAIGE LYDON

VS.

CASE NO. 18-6078

MIKE MCCORMICK, individually and in his official capacity as Sheriff for Garland County, Arkansas;
MARK CHAMBERLAIN, individually and in his official capacity as Chief Deputy Sheriff for Garland County, Arkansas;
JASON LAWRENCE, individually and in his official capacity as Supervisory Officer for Garland County, Arkansas;
STEVEN ELROD, individually and in his official capacity as Chief Deputy of Corrections;
DEPUTY JARRETHM, individually and official capacity as an Officer for the Garland County Sheriff's Department;
JARRET CANTRELL, Badge No. 149, individually and in his official capacity as an Officer for the Hot Springs Police Department;
KAY DUKES, LPN, individually and in her official capacity as Nurse for the Garland County Detention Center;
GARLAND COUNTY, ARKANSAS; and
JOHN DOE I, JOHN DOE II, JOHN DOE III, JOHN DOE IV, JOHN DOE V, JOHN DOE VI, JOHN DOE VII, JOHN DOE VIII,
in their individual and official capacity

DEFENDANTS

COMPLAINT

COMES NOW, the Plaintiff, CANDACE PAIGE LYDON, by and through her attorneys, Hurst Law Group, through Justin B. Hurst, and for her Complaint against the Defendants herein, she states and alleges:

I.

INTRODUCTION

1. This is a civil rights action brought by the Plaintiff, Candace Paige Lydon, to seek relief for the Defendants' violations of her rights secured by the Civil Rights Act of 1964, 42 U.S.C. § 1983; 42 U.S.C. § 1988 and the rights secured by the Fifth, Fourth, Eighth and Fourteenth Amendments to the

United States Constitution and the rights secured by the Constitution of the State of Arkansas and the common law of the State of Arkansas. Plaintiff seeks compensatory, actual, special, punitive damages, and injunctive relief, and such other relief as this Court deems equitable and just.

2. Plaintiff also seeks to vindicate her rights to be free of unlawful search, seizure, arrest and the use of cruel and unusual punishment.

II.

JURISDICTION

3. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1331 and 1343, as this action seeks redress for the violation of Plaintiff's constitutional and civil rights.
4. Plaintiff further invokes this Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1376, over any and all state constitutional and state law claims that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

III.

VENUE

5. Venue is proper in the United States District Court for the Western District of Arkansas (Hot Springs Division), pursuant to 28 U.S.C. § 1391(b) and (c) because at least one of the Defendants reside in the Western District of Arkansas. Plaintiff further submits that all events described herein occurred in the Western District of Arkansas and to the Plaintiff's knowledge all parties or entities are residents of the state of Arkansas.

IV.

JURY DEMAND

6. The Plaintiff demands a trial by jury in this action on each and every one of her claims.

V.

PARTIES

7. The Plaintiff, Candace Paige Lydon, is a citizen of the United States and was at all times relevant herein a resident of the state of Arkansas.
8. The Defendant, Mike McCormick, is, and was a resident of the state of Arkansas and at all times relevant alleged herein the duly elected Sheriff of Garland County, Arkansas. In that capacity, and pursuant to A.C.A. § 12-41-502, 12-41-503 and 12-26-101 *et. seq.*, he was and is responsible for the operation of the Garland County Detention Center (hereafter "GCDC"), including establishing and enforcing, failing to establish, or failing to enforce the policies, practices, procedures, and regulations for the conduct of the Garland County Sheriff's Department, GCDC and its employee's.
9. Sheriff Mike McCormick is and was at all relevant times alleged herein responsible for the hiring, training, supervision, discipline, and control of all members of the Garland County Sheriff's Department and GCDC. Mike McCormick was and is the Commanding Officer of the deputies and jail personnel named herein as individual Defendants and all other Sheriff's Office Employees. Mike McCormick is, and was, constitutionally and statutorily responsible for the operation, practices, and totality of conditions of

the GCDC. Mike McCormick, at all times herein, was acting in such capacity as the chief policy maker, agent, servant, and employee of Garland County, Arkansas. He is sued in his individual and official capacities.

10. Mike McCormick has the constitutional and statutory responsibility for the conditions and practices of the GCDC, and is responsible for maintaining the Detention Center in conformity with constitutional requirements. Mike McCormick, as the custodian and policy maker of the GCDC, is also responsible for those institutional patterns of action, or lack of action, by any and all employees of the Garland County Sheriff's Department, which results in the creation of, or tacit approval of, "ad hoc" policies that violate the constitutional rights of the pretrial detainees housed in the GCDC. Mike McCormick is responsible for and charged with furnishing and paying for medical aid for all persons detained in the GCDC; and responsible for the action or lack of action which results in a policy or "ad hoc" policy of failing to assure the reasonable safety or medical care of the inmates and detainees (hereafter "Detainees") of the GCDC.

11. Defendant, Mark Chamberlain, is an employee of the Garland County Sheriff's Department, and is the Chief Deputy for the GCDC. In that capacity and pursuant to A.C.A. § 12-41-502, 12-41-503 and 12-26-101 *et. seq.* Mark Chamberlain is and was also constitutionally and statutorily responsible for the training, supervision, discipline, and control of all subordinate jailers, as well as the operation, practices, and totality of conditions of the Detention Center. Mark Chamberlain has statutory responsibility also for ensuring that

the GCDC conforms to the requirement of Arkansas law, minimum jail standards, and the laws and constitutions of the United States and Arkansas. In addition, Mark Chamberlain is and was responsible for the establishment of policies, procedures, and guidelines for the arrest, jailing, medical care, and safe keeping of Detainee's housed in the GCDC. At all times herein, Mark Chamberlain was acting in such a capacity as an agent, servant, and employee of Defendant, Mike McCormick, and Garland County, Arkansas, a subdivision of the State of Arkansas. He is sued individually and in his official capacity.

12. Chief Deputy/Supervisor, Jason Lawrence, was and is a supervisory officer and Chief Deputy of the Garland County Sheriff's Department or GCDC. Charged with the responsibility of insuring that Sheriff's employees obey the rules and regulations of the Garland County Sheriff's Department, and the applicable laws, minimum jail standards and constitutions of the State of Arkansas and the United States. This Defendant is also responsible for implementing and following such policies, procedures, and guidelines for the arrest, jailing, medical care, and safe keeping of the detainees housed in the GCDC. This Defendant also was under a duty not to harm Plaintiff, Candace Paige Lydon, and to intervene promptly to protect her medical needs, which duty he violated through policies, customs and procedures amounting to inaction in the face of an obvious medical emergency.

13. Chief Deputy of Corrections, Steven Elrod, was and is a supervisory officer and Chief Deputy of the Garland County Sheriff's Department or GCDC.

Charged with the responsibility of insuring that Sheriff's employees obey the rules and regulations of the Garland County Sheriff's Department, and the applicable laws, minimum jail standards and constitutions of the State of Arkansas and the United States. This Defendant is also responsible for implementing and following such policies, procedures, and guidelines for the arrest, jailing, medical care, and safe keeping of the detainees housed in the GCDC. This Defendant also was under a duty not to harm Plaintiff, Candace Paige Lydon, and to intervene promptly to protect her medical needs, which duty he violated through policies, customs and procedures amounting to inaction in the face of an obvious medical emergency.

14. John Does I through IV, were and are the Garland County Sheriff's Office or the GCDC employee's charged with the responsibility for insuring that Sheriff's employees obey the rules and regulations of the Garland County Sheriff's Department, and the applicable laws, minimum jail standards, and constitutions of the State of Arkansas and the United States. They were in charge, respectively on the shifts in the adult detention center of the GCDC. These Defendants were in charge, respectively on the shifts when Plaintiff was present in the adult Detention Center of the GCDC. These Defendants are also responsible for implementing and following such policies, procedures, and guidelines for the arrest, jailing, medical care, and safe keeping of the Detainees housed in the GCDC. These Defendants also were under a duty not to harm Plaintiff, Candace Paige Lydon and to intervene promptly to protect her medical needs, which duty they violated through

policies, customs, and procedures amounting to inaction in the face of an obvious medical emergency.

15. Nurse Kay Dukes and all health service administrators with the Garland County Sheriff's Department along with John Does V through VI, were and are the Garland County's Sheriff's Office or GCDC employees charged with the responsibility for obeying the rules and regulations of the Garland County Sheriff's Department and the applicable laws, minimum jail standards, and constitutions of the State of Arkansas and the United States. These Defendants are also responsible for following such policies, procedures, and guidelines for the arrest, jailing, medical care, and safe keeping of the detainees housed in the GCDC. These Defendants also were under a duty not to harm Plaintiff, Candace Paige Lydon, and to intervene promptly to protect her medical needs which duty they violated through policies, customs, and procedures amounting to inaction in the face of an obvious medical emergency.

16. Detective Jarrett Cantrell, was and is a Hot Springs Police Officer, and was actively involved in the investigation of the information filed against Plaintiff. Detective Cantrell prepared a statement that was attached to an Affidavit for Warrant of Arrest for Plaintiff and made a sworn statement that Plaintiff's blood test results from the day of the collision were positive for both opiates and benzodiazepines.

17. It is the responsibility of Mark Chamberlain, Jason Lawrence, Steven Elrod and Mike McCormick to ensure that the policies of the Garland County

Sheriff's Department and the GCDC are followed. It is Defendants' responsibility that Detainees are not subjected to abuse or neglect. It is Defendants' responsibility to ensure that Detainees have access to medical care, as well as, protect the Detainee's procedural and substantive due process rights.

18. The Defendants were aware on August 28, 2016, that the Plaintiff was at risk of serious harm, that she needed serious care and treatment and that she was being denied her substantive and procedural due process rights.

19. The sheriff, health service administrators, nurses, supervisors, deputies, Nurse Kay Dukes, Detective Jarrett Cantrell, and John Does I through VIII, at all times relevant by their actions and failures to act as described in this Complaint were acting under color of law and pursuant to their authority as employees of the Garland County Sheriff's Department, GCDC, or the Hot Springs Arkansas Police Department, and in conformant with the established policies and customs of the named Defendants. These Defendants were aware of and were deliberately indifferent to, the failures of classification, the lack of training, the lack of supervision, or the lack of medical care; such lack of which would result in injuries to detainees including Candace Paige Lydon. Defendants are directly responsible for their deliberate indifference to the violation of Candace Paige Lydon's constitutional rights and of her subsequent permanent injuries.

VI.

STATEMENT OF FACTS

20. At the time of her injury, Candace Paige Lydon, was a pre-trial detainee being held in the GCDC.

21. Candace Paige Lydon was arrested on or about August 27, 2016, at approximately 3:25 p.m.

22. Candace Paige Lydon was taken to the GCDC and charged with Driving while Intoxicated and with three counts of Battery in the First Degree.

23. Candace Paige Lydon's arrest stems from an information being filed against her pursuant to an automobile collision that occurred on August 30, 2015, in Hot Springs, Garland County, Arkansas. On August 30, 2015, at approximately 1:40 p.m. in the afternoon, Plaintiff was traveling South on Central Avenue/SH 7 in the inside lane. Another vehicle being driven by Jason Castleberry, was traveling North on Central Avenue/SH 7 at the same time. Unfortunately, there was a collision between Plaintiff's vehicle and the vehicle being driven by Mr. Castleberry resulting in serious injuries to Plaintiff and all parties involved. Candace Paige Lydon was transported to CHI St. Vincent Hospital Emergency Room as a level one trauma patient requiring lifesaving procedures at approximately 2:30 p.m. Candace Paige Lydon was initially treated and stabilized in the ER and then transported to the operating room for immediate surgery for internal problems and for a tibial fracture. Candace Paige Lydon was intubated in the Emergency Room after being brought in by emergency services and was given fentanyl and midazolam

through an IV. Approximately four hours later medical staff obtained a urine specimen from Candace Paige Lydon through her catheter.

24. Approximately one (1) year later, on August 27, 2016, Candace Paige Lydon was at her house, minding her own business in her yard and was sitting in her wheelchair that she had been prescribed due to the injuries she received approximately a year prior that are referenced above. Candace Paige Lydon had received medical injuries from the head on automobile collision on August 30, 2015, and had to use assistance and aid to walk and even resorted to having to use a wheelchair during a large part of the day to keep pressure off of her bones, muscles, and joints.

25. That the arresting officers came to Candace Paige Lydon's home, removed her from her wheelchair, and placed her into the police unit and transported her to the GCDC where she was booked in and placed into custody where she remained for over one (1) year.

26. Candace Paige Lydon began begging and pleading with the officers to allow her to have access to her wheelchair or any kind of aid to assist her in walking and all of the Defendants and jail staff refused her pleas and cries for help.

27. It was suspected by Defendants at the time of Plaintiff's booking that Candace Paige Lydon, was in serious need of medical attention and was in serious need of medical aid due to her medical condition. None of the staff or any of the named Defendants took action to assist Plaintiff in her emergency medical state, nor did any named Defendant or anyone at the GCDC attempt

to provide her medical care or get her medical attention at that time or at any time.

28. Plaintiff continued to live in pain, discomfort, and serious agony for more than a year after being placed inside the GCDC. Plaintiff made numerous inmate grievance procedure requests for assistance and all of her inmate grievance requests went ignored by Defendants and all staff at GCDC.

29. Plaintiff attempted an informal resolution to all of her problems to the medical staff on numerous occasions within the GCDC, and all went ignored by all Defendants.

30. For over one year, Plaintiff lived in pain and discomfort while being forced to walk on her legs with an untreated tibial fracture, which caused her serious medical complications and problems and caused her pain beyond description. Plaintiff's initial injuries were caused by the automobile collision on August 30, 2015, and Defendants were aware of Plaintiff's condition and acted without care, compassion, or with any reference to Plaintiff's medical condition.

31. Defendants acted with a deliberate indifference to Plaintiff's serious medical needs in failing to provide her adequate medical care and reasonable safety. Defendants knew of Plaintiff's medical condition at the time of her arrest and at the time she was placed into GCDC and Defendants deliberately disregarded her medical needs, her medical care, any and all medical attention, causing Plaintiff to incur serious physical injuries.

32. All Defendants were aware of the facts surrounding Plaintiff's medical condition and were all very aware that a substantial risk of serious harm

existed in Plaintiff's medical condition and they deliberately chose to provide her no care and to do nothing for Plaintiff in the way of medical care or treatment.

33. Plaintiff lived and attempted to function on a daily basis without any care or treatment while in the GCDC and had to walk on, take showers with, and attempt to live every day while walking on an untreated leg with a diagnosed tibial fracture.

34. Plaintiff was released from custody after her charges were dismissed by the State of Arkansas, after one (1) year of incarceration in the GCDC. Plaintiff immediately sought the care and attention of Orthopedic Surgeons in Hot Springs and in Little Rock, Arkansas. Plaintiff was diagnosed with permanent disabling injuries due to the lack of medical care and attention from her incarceration by Defendants. Plaintiff's permanent disabling damages were the result of inattention to her serious medical needs and to the lack of any medical treatment by Defendants and due to their gross negligence and due to their deliberate indifference to Plaintiff's care and medical needs.

35. As an approximate result of the injuries suffered at GCDC, Candace Paige Lydon is now permanently, mentally, and physically disabled.

36. Candace Paige Lydon's injuries and damages as set for *infra*, were the approximate result of policies, customs, and failures in training and care, which amount to deliberate indifference.

37. These problems detailed herein, which led to Candace Paige Lydon's injuries are chronic, capable of repetition, yet evading review.

38. The Defendants, McCormick, Lawrence, Elrod, and Chamberlain, were deliberately indifferent to reasonable measures to resolve or cure the unconstitutional conditions at GCDC that created an unconstitutional risk to the safety of Candace Paige Lydon.

39. The Defendants, McCormick, Lawrence, Elrod, and Chamberlain, were guilty of a failure to train, staff, and supervise their employees and under the totality of the circumstances, shows the Defendants acted and/or failed to act with deliberate and callous indifference or reckless disregard to Candace Paige Lydon's constitutional rights and privileges.

40. The conditions of the GCDC, and the actions in combination with the failures to act by the Defendants created a dangerous condition in GCDC, which resulted in a denial of medical care to a pretrial detainee, who was obviously in need of immediate emergency medical attention, intervention, and/or transfer or treatment. Such conditions violated Candace Paige Lydon's rights under 42 U.S.C. § 1983 and the 14th Amendment to the United States Constitution. Had the violations complained of herein not occurred and Candace Paige Lydon had been treated or taken or transferred for treatment, Candace Paige Lydon would have completely recovered from the conditions she received from the automobile collision on August 30, 2015.

41. That after Plaintiff's arrest and incarceration in the GCDC, Separate Defendant, Jarrett Cantrell, made a sworn statement that was eventually presented to the Honorable Marcia Hearnberger, that Plaintiff, Candace

Paige Lydon's blood test results from the day of the collision were positive for both opiates and benzodiazepines.

42. That Jarrett Cantrell and all law enforcement knew that this was not accurate and a misstatement of the truth and misstatement of the facts and all parties involved in this investigation knew that Candace Paige Lydon's blood was not tested for any type of drug screen.

43. Detective Jarrett Cantrell knew that there was a drug screen administered by CHI St. Vincent Hospital based upon their customary practices and procedures and that those drug screen results were to be used for medical purposes only and that any presumptive positive results from those tests were unconfirmed and that confirmation of any presumptive positive results were to be performed upon specific requests. Detective Jarrett Cantrell also knew that the lab orders and results from CHI St. Vincent Hospital were not intended for legal purposes or to be used in employment related testing due to their unconfirmed results.

44. That Detective Jarrett Cantrell never requested Plaintiff's blood or urine to be submitted for forensic testing at the Arkansas State Crime Lab or any laboratory in any state. Detective Jarrett Cantrell knew and had all of Plaintiff's medical records to confirm that any opiates and benzodiazepines that were tested in Plaintiff's urine were administered by her treating Emergency Room doctors four and five hours prior to testing and Jarrett Cantrell and all of the investigating officers sat on this information, all while misleading the Court about Ms. Lydon's drug test results.

45. Defendants and Separate Defendant, Jarrett Cantrell allowed Plaintiff to remain in custody for over one year and did not make this information known until approximately twelve (12) hours before Plaintiff's trial by jury in the State Court when all of Plaintiff's charges were dismissed by the State of Arkansas.

VII.

COUNT I
VIOLATION OF SUBSIDIENCE OF DUE PROCESS CLAIM
UNDER 42 USC § 1983
ALL DEFENDANTS

46. Plaintiff hereby realleges and incorporates each and every allegation set forth in Paragraphs 1 through 45 as fully set forth herein.

47. The Defendants, individually and in concert, had knowledge of, and were deliberately indifferent to the following:

- a. That Candace Paige Lydon was in immediate need of medical care, intervention, and transfer to a medical facility to avoid disabling injuries to her body;
- b. Denials of prompt medical care attention;
- c. Denials of life and liberty interest of Candace Paige Lydon;
- d. Failing to provide adequate training to jailers; and
- e. Failing to provide medical care and attention;

48. The actions of the Defendants posed a known substantial risk of serious harm. Under the totality of the circumstances, the Defendants' pattern of action towards Candace Paige Lydon, Defendants' lack of properly trained staff, and their failure to supervise, resulted in deliberate indifference to the known substantial risk of serious harm to Candace Paige Lydon, which

violated her constitutionally protected rights and proximately caused her injuries. The foregoing Defendants' acts and omissions constitute a deliberate indifference to Candace Paige Lydon's safety and medical needs and proximately caused her injuries in violation of her rights under the Fifth, Eighth, and Fourteenth Amendments of the US Constitution and constitute a violation of 42 U.S.C. § 1983.

49. Subsidence Due Process imposes a duty upon the State to protect individuals like Candace Paige Lydon when it creates the danger to which the individual is subjected.

50. The Defendants, acting under color of state law, failed to protect Candace Paige Lydon after creating the danger to which she was subjected, in violation of Subsidence Due Process rights secured by her Fourteenth Amendment to the United States Constitution.

51. Candace Paige Lydon was a pretrial detainee and a member of a limited, precisely definable group to which this duty was owed by the Defendants.

52. Defendants acted recklessly and in a deliberate and conscious disregard of and/or with deliberate indifference to the risks known to them and willfully failing to provide Plaintiff with medical attention.

53. The conduct of the Defendants as set forth herein was so egregious and/or outrageous that it shocks the contemporary conscience.

54. As a direct and proximate result of the conduct set forth herein, Candace Paige Lydon suffered severe physical and psychological injuries including, but not necessarily limited to, her right tibia, her right ankle, injury to her back and

legs, as well as post-traumatic stress disorder. As a result of the injuries, Candace Paige Lydon sustained while incarcerated at GCDC she has undergone multiple surgeries since her release. Candace Paige Lydon has also suffered severe mental anguish in connection with the deprivation of her constitutional rights as set forth herein.

55. The conduct of the Defendants was recklessly and callously indifferent to the constitutional and other rights of Candace Paige Lydon, malicious and wanton with respect to those rights, and an award of punitive damages is warranted and necessary to punish each Defendant in his individual capacity and to deter each of them and others from the same or a similar transgression in the future.

VIII.

COUNT II **VIOLATION OF ARKANSAS CIVIL RIGHTS ACT** **ALL DEFENDANTS**

56. Plaintiff hereby realleges and incorporates each and every allegation set forth in the preceding Paragraphs 1 through 55 as fully set forth herein.

57. The foregoing Defendants' acts and omissions constitute a violation of the Arkansas Civil Rights Act of 1993, A.C.A § 16-123-101 *et. seq.* because Candace Paige Lydon's Arkansas Constitutional Rights under Article 2 Section 8, that of the right to not be deprived of life, liberty, or property without due process of law. Furthermore, Defendants' acts and omissions constitute a violation of Candace Paige Lydon's Arkansas Constitutional Rights under

Article 2 Section 9 that of the right to be free from cruel and unusual punishment was violated.

IX.

COUNT III
MALICIOUS PROSECUTION BY SEPARATE DEFENDANTS, DETECTIVE
JARRETT CANTRELL AND JOHN DOES I AND II

58. Plaintiff hereby realleges and incorporates each and every allegation set forth in the preceding Paragraphs 1 through 57 as fully set forth herein.

59. All criminal proceedings arising out of the charges brought against Plaintiff, Candace Paige Lydon, were terminated and disposed of in Candace Paige Lydon's favor.

60. Law enforcement officers have a duty to conduct a reasonably thorough investigation prior to arresting a suspect. An officer contemplating an arrest is not free to disregard, conceal, or withhold plainly exculpatory evidence, even if substantial and culpatory standing by itself suggests that probable cause exists. Probable cause does not exist where minimal further investigation would have exonerated the suspect. In August of 2016, Detective Jarrett Cantrell was working in conjunction, coordination, and collusion with the other Defendants.

61. In August of 2016, and all relevant times herein, Detective Jarrett Cantrell and other Defendants were state actors, operating under color of law, and so far as Jarrett Cantrell and the other Defendants intentionally and deliberately showed indifference toward the investigation of the charges made against Candace Paige Lydon. In August 2016, and in all relevant times herein, there

existed a nexus and joint action between Jarrett Cantrell and other Defendants, which intertwined Defendants in symbiotic relationship and made their collective actions against Candace Paige Lydon an unconstitutional joint enterprise. At all relevant times, including August 2016, through 2018, Detective Jarrett Cantrell was the lead investigator in regards to State of Arkansas vs. Candace Paige Lydon, Case No. 26CR-16-471-IV.

62. At all times relevant herein, including August 2016, the Defendants and each of them, knew it was objectively unreasonable and outrageous to charge Plaintiff with Driving While Intoxicated and three counts of First Degree Battery.

63. At all times relevant herein, including August 2016, Detective Jarrett Cantrell knew that, when seeking to obtain a warrant from a Judge or Magistrate, it was against proper police protocol to ignore plainly exculpatory evidence and to omit material exculpatory facts.

64. At all relevant times herein, including August 2016, Detective Jarrett Cantrell and the other Defendants knew that it was against proper investigation protocol to ignore plainly exculpatory evidence and to omit material exculpatory facts while endeavoring on behalf of the county or city, to build a criminal case against an individual alleged Driving While Intoxicated and First Degree Battery.

65. The arrest warrant authorized was obtained by evidence which willfully omitted exculpatory information and deliberate misrepresentation of material facts committed by the Defendants. Detective Jarrett Cantrell and the

Defendants misrepresented material facts in affidavits and statements that they submitted to the court to have an arrest warrant issued against Plaintiff.

66. Despite lacking probable cause to her arrest, Plaintiff, and with improper and sinister motives, the Defendants pursued criminal charges against her demonstrating a willful, wanton, and conscious indifference to her constitutional rights and to constitutionally protected property interest and showing something other than a desire to see the ends of justice served.

67. The Defendants' conduct proximately caused a deprivation of the rights, privileges, and immunities secured to Candace Paige Lydon by the Fourth and Fourteenth Amendments to the United States Constitution and laws enacted thereunder. With this conduct, Defendants showed a reckless or callous indifference to Candace Paige Lydon's federally-protected rights.

68. Defendants' acts and/or omissions were done with the intent to damage Candace Paige Lydon's reputation and interfere with her business relationships in light of the fact that her detention would lead to a lack of employment and to interfere with her ability to live a normal productive and injury free life.

69. Defendants' conduct proximately caused Candace Paige Lydon personal humiliation and mental anguish as well as an impairment of her reputation, standing in the community and serious disabling medical conditions where she has incurred substantial pain, suffering and discomfort, medical bills, and will continue to incur pain, suffering, and discomfort along with future medical treatment and bills.

70. The physical seizure and criminal prosecution of Candace Paige Lydon, committed by the Defendants was unnecessary, unreasonable, and willfully malicious, therefore, Defendants are liable in damages to Candace Paige Lydon pursuant to 42 U.S.C. § 1983, including compensatory damages, actual damages, punitive damages, costs and attorney fees.

X.

COUNT IV
PRAYER FOR RELIEF

71. Wherefore, the Plaintiff, Candace Paige Lydon, prays the Court enter a judgement granting the following relief:

- a. A declaratory judgement that the Defendants' actions, policies, and practices complained of herein violated Candace Paige Lydon's rights as secured by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitutions and Article Two Section Eight and Nine of the Arkansas Constitution;
- b. Injunctive relief to prohibit future constitutional violations including but not limited to, inadequate training, inadequate supervision and failure to provide medical care resulting from injuries suffered by detainees while incarcerated in the Garland County Detention Center and for any and all other relief to which is proper under the circumstances;
- c. Damages against the Defendants in the amount sufficient to compensate Candace Paige Lydon for the conscious, pain, suffering, and mental anguish and permanent injuries and physical injuries suffered by Candace Paige Lydon, medical bills incurred, for loss of a

- meaningful life and a good quality of life and the enjoyment thereof, all in an amount in excess of the minimum jurisdictional amount for federal jurisdiction and diversity of citizenship cases [\$75,000.00], and for punitive damages in an amount in excess of the minimum jurisdictional amount for federal jurisdiction and diversity of citizenship cases [\$75,000.00], which should be determined by a jury. The Defendants be required to pay economic and noneconomic damages, including but not limited to, loss of liberty, interest, and mental anguish;
- d. Reasonable attorney's fees and costs are allowable under 42 U.S.C. § 1988; and
 - e. Such further injunctive and equitable relief as which she may be entitled to, to remedy a continuing, existing, dangerous condition and the policies promoting the same at the Garland County Detention Center and the Garland County Sheriff's Office.

72. Plaintiff demands a trial by jury.

WHEREFORE, the Plaintiff, CANDACE PAIGE LYDON, prays that she be granted judgment against the Defendants in the amount requested and the amount determined by a jury; for punitive damages; for attorney fees, costs and expenses; and for all other just and proper relief to which she may be entitled.

Respectfully submitted,
CANDACE PAIGE LYDON, **Plaintiff**

By: _____


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