

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

AMANDA DUKE

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-cv-150-TSL-RHW

CHARLES CROOK

DEFENDANT

COMPLAINT

*****JURY TRIAL DEMANDED*****

Plaintiff Amanda Duke files her Complaint against Defendant Charles Crook as follows:

Parties

1. Plaintiff Amanda Duke ("Ms. Duke") is an adult resident citizen of Hinds County, Mississippi.

2. Defendant Charles Crook is, upon information and belief, an adult resident citizen of Hinds County, Mississippi. He may be served with process at his residence or at his office at 421 W. Pascagoula Street, Jackson, Mississippi.

Jurisdiction and Venue

3. Ms. Duke brings this suit pursuant to 42 U.S.C. Section 1983 for violation of her federal constitutional rights. As such, this Court has subject matter jurisdiction pursuant to 28 U.S.C. Section 1331 (federal question) and 28 U.S.C. Section 1343 (civil rights).

4. This Court has supplemental subject matter jurisdiction over Ms. Duke's state law claims pursuant to 28 U.S.C. Section 1367.

5. This Court has personal jurisdiction over the Defendant because he is a resident of the state of Mississippi.

6. Venue is proper pursuant to 28 U.S.C. Section 1391.

Statement of the Facts

7. Ms. Duke is currently on parole following her conviction of a felony in the state of Mississippi.

8. In or around August 2017, Defendant Crook became her probation officer.

9. On or about August 29, 2018, Defendant Crook began touching Ms. Duke in an inappropriate manner.

10. On September 19, 2018, Defendant Crook met with Ms. Duke in his office. At that time, he claimed Ms. Duke that she had tested positive for marijuana.

11. Defendant Crook then put Ms. Duke in handcuffs and told her he was taking her to jail.

12. Defendant Crook detained Ms. Duke in his office until the other probation officers had left the area.

13. At that point, Defendant Crook raped Ms. Duke in his office while he was on duty as a probation officer for the Mississippi Department of Corrections.

14. Defendant Crook used his power and authority over Ms. Duke as a probation officer, as well as his physical size and strength, to accomplish the rape.

15. On December 12, 2018, Ms. Duke was waiting outside of the probation offices for a family member to come get her and take her home.

16. Defendant Crook used his power and authority over Ms. Duke to insist that she get in his vehicle so he could drive her to her sister's house. Upon arriving at the house, Defendant Crook parked his vehicle and proceeded to rape Ms. Duke.

17. Since then, there have been several other sexual assaults committed by Defendant Crook upon Ms. Duke.

18. On other occasions, Defendant Crook has inappropriately touched, groped and kissed Ms. Duke while he was at work and within the confines of his place of employment.

19. Defendant Crook accomplished these acts while acting under color of state law.

Causes of action

Count I - - Violation of Ms. Duke's substantive due process rights

20. As early as 1981, the Fifth Circuit has held that the right to be free of state-occasioned damage to a person's bodily integrity is protected by the Fourteenth Amendment's guarantee of due process.

21. Defendant Crook has recklessly and/or intentionally deprived Ms. Duke of that constitutional right.

22. Defendant Crook's actions are the direct, proximate cause of Ms. Duke's injuries.

23. As a result, Ms. Duke demands an award of damages as set forth in the *Ad Damnum* clause of this Complaint.

Count II - - Violation of Ms. Duke's Eighth Amendment rights

24. An individual who is on probation is considered to still be serving out their sentence, simply not within a jail or penitentiary.

25. The Eighth Amendment (made applicable to the states through the Fourteenth Amendment) prohibits, *inter alia*, cruel and unusual punishment.

25. Defendant Crook's use of physical force and rape constitutes a violation of Ms. Duke's rights under the Eighth Amendment.

26. Defendant Crook's actions are the direct, proximate cause of Ms. Duke's injuries.

27. As a result, Ms. Duke demands an award of damages as set forth in the *Ad Damnum* clause of this Complaint.

Count III - - State law claims

28. Ms. Duke gives notice that she intends to amend this Complaint to add the common law claims of assault and battery and false imprisonment after the 90 day moratorium mandated by the Mississippi Tort Claims Act has passed. She has already served her tort claim notice.

Ad Damnum clause

29. Following Defendant Crook's initial sexual assault, Ms. Duke has been required to appear before him once a week for every single week. She has, since then, lived in ongoing fear of continuing sexual assault.

30. For the wrongful acts of Defendant Crook, Ms. Duke seeks an award of damages for the following:

- a. Physical injury
- b. Emotional distress, ongoing fear and anxiety
- c. Loss of liberty
- d. Attorneys' fees and expenses
- e. Costs of Court
- f. Punitive damages

for a total award of \$1,000,000.00, plus post-judgment interest at the legal rate.

Respectfully submitted, this the 25th day of February, 2019.

AMANDA DUKE

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S. Craig Panter

/s/ Joseph R. Franks
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