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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, MISSOULA DIVISION**

FREDDIE JOE LAWRENCE,

Plaintiff,

v.

**RAVALLI COUNTY; STERLING MAUS,
in his individual and official capacities;
JEFFERSON COUNTY; TOM DAWSON,
in his individual and official capacities;
TIM CAMPBELL, in his individual and
official capacities; JAY CARLSON, in
his individual and official capacities; LEWIS
AND CLARK COUNTY; CHUCK O'REILLY,
in his individual and official capacities;
SAM MCCORMACK, in his individual and**

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Civil No. _____

**COMPLAINT AND
DEMAND FOR
JURY TRIAL**

official capacities; REED SCOTT, in his *

individual and official capacities; JUDY *

STANBERY, in her individual and official *

capacities; and JOHN DOES 1-10, in their *

individual and official capacities; *

Defendants. *

Plaintiff Freddie Joe Lawrence, by his undersigned attorneys from the law firm Hunt & Fox PLLP, and from the law firm of Neufeld, Scheck & Brustin, LLP,* hereby alleges as follows:

STATEMENT OF THE CASE

1. Plaintiff Freddie Joe “Fred” Lawrence spent over 23 years in prison for crimes that DNA evidence has now proven he did not commit: the 1994 robbery, abduction, and murder of Donna Meagher from a saloon outside Helena, Montana. For most of those 23 years, the true perpetrator of the crimes, David Wayne Nelson, remained at large, and committed multiple other robberies, abductions, and murders.
2. Lawrence’s wrongful conviction was the result of serious misconduct by the investigating officers—Defendants Tim Campbell, Tom Dawson, Sam McCormack, Chuck O’Reilly, Jay Carlson, Reed Scott, and Judy Stanbery—who fabricated evidence, hid exculpatory evidence, and otherwise engaged

* Applications for *pro hac vice* admission will be promptly filed.

in misconduct to convict two innocent men. Defendants carried out this misconduct with the explicit consent, and often at the explicit instruction, of Defendants Jefferson County Sheriff Tom Dawson and Lewis and Clark County Sheriff Chuck O'Reilly.

3. After spending the seven months following Meagher's murder chasing dead-end leads, Defendants latched on to obviously unreliable statements from Lawrence's father-in-law, Dan Knipschield, known to Defendants as a liar with a history of making false accusations. Knipschield falsely implicated Lawrence and his acquaintance, Paul Jenkins, in order to collect reward money and other benefits.
4. Even though the details provided by Knipschield contradicted known facts about Meagher's murder, Lawrence and Jenkins became Defendants' prime suspects based solely on this evidence. At the time of Meagher's murder, Lawrence was living a transient life in poverty and was new to the area. He was raising his three small children in a single motel room. These circumstances and Lawrence's previous history of mental health issues made him particularly susceptible to Defendants' manipulation, suggestion, and coercion.
5. Because Knipschield's accusations were false, initial efforts to corroborate them failed. Defendants then fabricated evidence inculcating Lawrence and

Jenkins. Defendants McCormack and Scott interrogated Lawrence for hours, coercing him to falsely implicate Jenkins and his severely mentally disabled friend, Jimbo Amos. When Lawrence initially told McCormack and Scott the truth—that he was innocent and had no information implicating Jenkins or Amos—they threatened to prosecute Lawrence, and to remove him from his wife and children, unless he told them what they wanted to hear.

6. Because Lawrence was actually innocent, he did not know how the crime had occurred. To falsely make the coerced account seem more credible, Defendants fed Lawrence non-public details about how they believed the robbery and Meagher's abduction and murder had occurred, and then falsely claimed these details had originated with Lawrence.
7. Defendants next turned to two even more vulnerable sources: Jimbo Amos and Mary Jenkins (Paul Jenkins's wife). Amos had severe intellectual disabilities, was extremely low functioning, and had an IQ of 50. Mary Jenkins suffered from dementia brought on by early-onset Alzheimer's disease. Neither knew any incriminating information to recount to the police. Both Amos and Mary Jenkins were so cognitively limited that they could not even offer coherent narratives of past events on their own. This was obvious to the Defendants who interviewed these witnesses.

8. When Mary Jenkins and Amos could not provide evidence implicating Lawrence and Paul Jenkins in Meagher's murder, Defendants fabricated statements from both individuals. Defendants used leading questions, coercion, and direct suggestion to falsify and fabricate statements from these vulnerable witnesses. To gain additional control over Mary Jenkins and Amos, Defendants coerced them to implicate themselves. This allowed Defendants to threaten each of them with charges over the course of the investigation.
9. Defendants also turned the tapes on and off during the recordings of these interviews, to falsely create the appearance that both witnesses were volunteering narrative accounts implicating Lawrence and Paul Jenkins in the murder, and falsely indicate that those accounts originated with the witnesses. Even with all this manipulation, the recorded statements could not fully hide the witnesses' limitations. Therefore, Defendants fabricated reports falsely claiming that the witnesses had provided more compelling narrative accounts implicating Lawrence and Jenkins when they were not being recorded.
10. To bulk up their case, Defendants also intentionally used unduly suggestive identification procedures, many months after the crime, to obtain false "evidence" linking Lawrence and Paul Jenkins's vehicles to the crime

scenes. In reality, the initial reports of vehicle sightings near the crime scenes more closely matched those owned by David Nelson, the true perpetrator.

11. Before trial, Lawrence and Paul Jenkins moved to suppress the testimony of both Mary Jenkins and Amos, arguing their cognition was so limited they were not even competent to testify. Despite the extraordinarily low bar for establishing competence to testify, after watching Amos's completely incoherent testimony at the hearing, the court ruled Amos could not testify at the criminal trial. The evidence demonstrated that Mary Jenkins was similarly limited, and included expert testimony about her grave dementia and suggestibility. When she took the stand at the hearing, she was unable to remember anything from the accounts of the robbery and murder Defendants had claimed she had given, and she could not even remember being tape recorded by police. Nevertheless, based in part on Defendants' misrepresentations that she communicated a coherent narrative when they took her statement, the court ruled she would be permitted to testify at trial.
12. No physical evidence linked the innocent Lawrence and Paul Jenkins to the crimes in any way. Instead, the prosecution hinged on the evidence Defendants had coerced and fabricated: principally, the fabricated statements attributed to Mary Jenkins; the coerced, fabricated statements attributed to

Lawrence; and the vehicle identifications that were either obtained through direct suggestion or fabricated entirely.

13. Defendants' fabricated reports of Mary Jenkins's statements were used as the crux of the prosecution's case at trial. As the prosecutor stated during the hearing on Mary Jenkins's competency to testify: "Without this evidence we don't have a case."
14. Despite Mary Jenkins's obvious memory issues, and the fact that she accused Defendants of "putting words in her mouth" on tape, Defendants' fabricated reports falsely claiming that she had volunteered a coherent narrative incriminated her husband and Lawrence, in combination with Defendants' coerced, fabricated statements from Lawrence, led to a jury convicting Lawrence of the robbery and Meagher's abduction and murder. Lawrence was sentenced to two terms of life and a concurrent 40 years in prison.
15. Even after his conviction, Lawrence continued to assert his innocence. In 1999, four years after Lawrence's conviction, the Ravalli County Sheriff's Office, including Detective J.R. Chinn and Defendant Detective Sterling Maus, had an opportunity to right a wrong and mitigate the damage caused by the wrongful conviction, when Fred Nelson, the nephew of true perpetrator David Nelson, told them about his uncle's detailed confession to

Meagher's murder, which included non-public and accurate details about the crime. Fred Nelson even told the officers how his uncle David Nelson had said "two mentally challenged kids took the rap" for his crime. David Nelson had no relationship to Fred Lawrence or Paul Jenkins, and never spoke to either of them or their lawyers.

16. Chinn and Defendant Maus failed to pass along Fred Nelson's account or photos taken of David Nelson's car, which had been used in the murder, to any state or local agencies with authority over the Meagher investigation, and Lawrence and Paul Jenkins remained wrongfully imprisoned.
17. Lawrence's wrongful conviction was vacated on April 13, 2018, in the midst of a reinvestigation by the Montana Department of Justice into David Nelson as the true perpetrator of Meagher's murder.
18. In September 2017, in response to a motion by Lawrence and Paul Jenkins, DNA testing on evidence collected from the Meagher murder was ordered. DNA testing was conducted on a section of rope found close to Meagher's arm—the arm was found unbound, and had ligature marks on the wrist, indicating that it had been bound with rope. The DNA testing produced a mixture of three profiles: one female, and two males. The female profile matched Meagher.

19. The major male DNA profile found on the rope matched David Nelson. Although the minor male profile has not been identified yet, both Lawrence and Paul Jenkins are excluded as contributors to that profile. Lawrence and Paul Jenkins have no connection to David Nelson.
20. On April 17, 2018, Lawrence was released from prison after serving over 23 years for crimes he did not commit. In her order, Judge Kathy Seeley of the Montana First Judicial District Court, Lewis and Clark County, acknowledged David Nelson as the true perpetrator, stating, “the physical evidence, and the statements and testimony of Fred Nelson, support the theory that David Nelson, a known killer, was involved in the robbery, kidnapping and homicide of Donna Meagher.” On June 1, 2018, the State of Montana dismissed all charges against Lawrence and Paul Jenkins. Based on information and belief, State authorities continue to investigate David Nelson as Meagher’s murderer.
21. When Lawrence was arrested, he was 32 and had a young family. By the time he was released at the age of 56, his wife had died, and he had lost his parental rights to his three children, whose whereabouts are now unknown.
22. Lawrence now seeks accountability and redress for the misconduct that cost him the prime years of his life.

JURISDICTION AND VENUE

23. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Lawrence's rights as secured by the United States Constitution.
24. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367. Venue is proper under 28 U.S.C. § 1391(b) because a substantial portion of the events giving rise to this Complaint occurred in this judicial district.
25. Venue is proper in the Missoula Division pursuant to L.R. 3.2(b) pursuant to Mont. Code Ann. §§25-2-117, 122, 125, and/or 126 because some part of the claims alleged herein arose in Ravalli County. Pursuant to L.R. 1.2, Defendant Ravalli County lies within the Missoula Division.
26. On December 14, 2018, Plaintiff provided notice of his claims to the Montana Attorney General, Montana State Risk Manager, and Clerks of Lewis and Clark County, Jefferson County, and Ravalli County. These entities, including the State of Montana, failed to issue a final disposition of the claim within one-hundred and twenty days. Consequently, Plaintiff has statutorily received a final denial under Montana Code Annotated § 2-9-301(2).
27. On April 12, 2019, Plaintiff provided notice of his claims to the District 18 Attorney's Office and the Clerk of the County of Pittsburg, both in

McAlester, Oklahoma. These entities failed to approve the claim in its entirety within ninety days. Consequently, Plaintiff has statutorily received a final denial under Oklahoma Statute § 51-157.

PARTIES

28. Plaintiff FREDDIE “FRED” JOE LAWRENCE is, and at all times relevant herein was, an individual residing State of Montana. He currently resides in Missoula County.
29. Defendant JEFFERSON COUNTY is a political organization existing under the laws of the State of Montana and, was at all times relevant herein, responsible for the policies, practices and customs of the Jefferson County Sheriff’s Department, which is a law enforcement agency for Jefferson County, Montana.
30. Defendant TOM DAWSON was, at all times relevant herein, Sheriff of Jefferson County and a resident of the State of Montana. Upon information and belief, Dawson remains a resident of the State of Montana. Dawson is being sued in both his official and individual capacities.
31. Defendant TIM CAMPBELL was, at all times relevant herein, Undersheriff of Jefferson County and a resident of the State of Montana. Upon information and belief, Campbell remains a resident of the State of Montana. Campbell is being sued in both his official and individual capacities.

32. Defendant JAY CARLSON was, at all times relevant herein, a Deputy Sheriff of Jefferson County and a resident of the State of Montana. Upon information and belief, Carlson remains a resident of the State of Montana. Carlson is being sued in both his official and individual capacities.
33. Defendant LEWIS AND CLARK COUNTY is a political organization existing under the laws of the State of Montana and was, at all times relevant herein, responsible for the policies, practices, and customs of the Lewis and Clark County Sheriff's Office which is a law enforcement agency for Lewis and Clark County, Montana.
34. Defendant CHUCK O'REILLY was, at all times relevant herein, Sheriff of Lewis and Clark County and a resident of the State of Montana. Upon information and belief, O'Reilly is a resident of the State of Arizona. O'Reilly is being sued in his official and individual capacities.
35. Defendant SAM MCCORMACK was, at all times relevant herein, a Detective with the Lewis and Clark County Sheriff's Office and a resident of the State of Montana. Upon information and belief, McCormack remains a resident of the State of Montana. McCormack is being sued in his official and individual capacities.
36. Defendant RAVALLI COUNTY is a political organization existing under the laws of the State of Montana and was, at all times relevant herein,

responsible for the policies, practices, and customs of the Ravalli County Sheriff's Office which is a law enforcement agency for Ravalli County, Montana.

37. Defendant STERLING MAUS was, at all times relevant herein, a Detective with the Ravalli County Sheriff's Office and a resident of the State of Montana. Upon information and belief, Maus remains a resident of the State of Montana. Maus is being sued in his official and individual capacities.
38. Defendant REED SCOTT was, at all times relevant herein, a Detective with the Montana Department of Justice, Division of Criminal Investigation and a resident of the State of Montana. Upon information and belief, Scott remains a resident of the State of Montana. Scott is being sued in his official and individual capacities.
39. Defendant JUDY STANBERY was, at all times relevant herein, an investigator with the District 18 District Attorney's Office in McAlester, Oklahoma and a resident of the State of Oklahoma. Upon information and belief, Stanbery remains a resident of the State of Oklahoma. Stanbery is being sued in her official and individual capacities.
40. The true names and capacities of Defendants John Does 1–10 are unknown to Plaintiff. Plaintiff therefore brings this action against the aforementioned Defendants by such fictitious names and will seek leave to amend this

Complaint and Jury Demand when their true identities are ascertained, together with additional and further appropriate allegations.

FACTUAL ALLEGATIONS

A. Donna Meagher murdered by David Nelson.

41. In the early morning hours of January 12, 1994, Donna Meagher was closing up the Jackson Creek Saloon, just off I-15, south of Helena, Montana. Meagher was a 34-year-old mother of two, and sister of the Saloon's owners. David Wayne Nelson entered the casino, robbed the Saloon, and abducted Meagher.
42. Nelson forced Meagher to give him the keys to the Saloon's gaming machines and cash register. Wearing gloves so as to leave no fingerprints, Nelson opened the Saloon's gaming machines in rapid succession, stealing the money inside (which totaled less than \$3,500). He also removed money from the Saloon's "Shake a Day" prize jar and took five-dollar bills stamped with a signature red star from a drawer by the cash register.
43. Nelson bound Meagher at the wrists and ankles with two different lengths of rope and looped a third rope around her neck. He forced her into his older model, blue-green vehicle. He moved Meagher's pickup truck across the road to hide it.

44. Nelson drove 13 miles to the edge of Colorado Gulch Road, a rural, secluded road off of Montana's Highway 12, west of Helena.
45. Nelson forcibly removed Meagher, still bound, from his vehicle, leading her by the rope around her neck. Nelson struck Meagher with the claw end of a hammer in a blow so forceful the hammer stuck in her head and knocked her to the ground. Nelson then continued beating Meagher to ensure she was dead, inflicting no fewer than 10 blows to her head, causing 8 skull fractures and heavy bleeding.
46. Nelson dragged Meagher's body from the side of the road into a ditch, leaving a piece of rope behind before driving off.
47. Nelson is a known serial killer and has been convicted of multiple robberies. He is also suspected of having committed multiple additional robberies, abductions, and murders, in Florida, California, Nevada, and Washington.
48. David Nelson is currently serving a life sentence in Montana State Prison after pleading guilty to the 2015 homicides of Greg and Beverley Giannotti. Greg Giannotti died after Nelson repeatedly struck him with a hammer, the same way he killed Meagher.
49. On March 31, 1999, Fred Nelson reported to members of the Ravalli County Sheriff's Office that his uncle, David Nelson, had told him that "he killed this chick in Helena and robbed the casino she was workin' at" and

described taking the woman outside of town in his vehicle and hitting her with a hammer, continuing to beat her while she was dying, and then placing her body off the side of the road.

50. In 2018, DNA testing matched David Nelson to the major male DNA profile on a rope found near Meagher's unbound arm, which had ligature marks on it. The rope also contained Meagher's DNA. No DNA from either Plaintiff Fred Lawrence or Paul Jenkins—the two men wrongly convicted of the murder—was found at either the Colorado Gulch crime scene where Meagher's body was recovered, or at the Jackson Creek Saloon where she was abducted. Lawrence and Jenkins have no connection to David Nelson.
51. The Montana Department of Justice continues to investigate David Nelson as the true perpetrator of the Meagher murder.

B. Defendants McCormack and Scott investigated Meagher's murder at the direction of Sheriffs Dawson and O'Reilly.

52. When Meagher did not come home from work by 5:30 AM the morning of January 12, 1994, her husband drove to the Jackson Creek Saloon and found the doors to the bar's gaming machines opened and his wife missing.
53. Defendants Tom Dawson—then the Jefferson County Sheriff—and his deputy Jay Carlson immediately responded to the Saloon and began investigating. The two called for help from both the Montana Criminal

Investigation Bureau (MCIB) and the Montana Department of Justice's Gambling Investigation Bureau (GIB).

54. Before 10:00 AM that morning, as the investigation at the Saloon was under way, deputies from Lewis and Clark County were dispatched to Colorado Gulch after residents of the area discovered Meagher's body. Meagher's pickup truck had already been found behind the Exchange Club, a bar across the road from the Saloon.
55. Officers from Lewis and Clark County, Jefferson County, and the MCIB were given joint responsibility to investigate Meagher's murder. Defendant Detective Sam McCormack, at the direction of Defendant Chuck O'Reilly, the Lewis and Clark County Sheriff, was responsible for investigation at the Colorado Gulch crime scene. Jefferson County Sheriff Dawson and his deputies took initial responsibility for the scene at the Jackson Creek Saloon. Defendant Detective Reed Scott from the MCIB assisted with the investigation.

C. Initial evidence pointed toward David Nelson, but Defendants failed to arrest him.

56. From the time Meagher's body was discovered, there was very high interest in her brutal murder. Several witnesses called to report seeing unusual cars around the Saloon on the night of the crime, and numerous Colorado Gulch residents called in to report seeing unfamiliar cars in the neighborhood in the

days following the murder. Several of their descriptions matched the 1984 blue-green Dodge Charger with beige top that David Nelson owned in 1994.

57. In particular, Nelson's Charger matched the description provided by Kelly Bates within two days of the murder. Bates said he saw a green, older model 4-door vehicle with a beige top in the parking lot of the Saloon between 1:15 and 1:30 AM on January 12. On January 15, Joe and Barb Shaffer gave a description of a similar vehicle driving recklessly near Colorado Gulch Road at around 6:30 AM on January 12, just a few hours before Meagher's body was found. All three described the vehicle as possibly having a beige top, as David Nelson's vehicle did at the time.

58. The Shaffers also described the vehicle as turning left onto Williams Street in Helena, just a mile from where David Nelson lived in 1994. The Shaffers also gave a cursory description of the license plate on the vehicle they had observed. Either Defendants failed to follow up on all these early leads pointing to David Nelson, or they failed to take action on information suggesting Nelson's involvement.

D. Under immense pressure to solve the crimes, Defendants' investigation stalled.

59. From the time it was first discovered, there was strong media attention paid to Meagher's brutal abduction and murder. Meagher's family put up wanted

posters identifying cars sighted near the crime scenes and offered a growing monetary reward for catching the killer.

60. The Saloon's owners reported that the bar had been robbed of money, including a stack of five-dollar bills stamped with a distinctive red star, and the keyring for closing the bar and emptying the machines. Nothing else had been taken.
61. Along with officer Gary Carrell from the Gambling Investigation Bureau ("GIB"), Defendant Scott from the MCIB, and forensic scientists from the Montana State Crime Lab, Defendant Carlson from Jefferson County began sweeping the bar for evidence. They found no latent fingerprints on the machines or elsewhere in the bar, as Nelson had worn gloves.
62. Carrell and Joseph Uribe, another GIB investigator, spent the weeks after the murder investigating similar robberies at casinos and bars with gaming machines, but turned up no solid leads. They also attempted to track the movement of the stamped five-dollar bills but were unable to locate any suspects this way.
63. The only evidence officers were able to recover from the scene at the Saloon were tire prints from Meagher's car, an earring of Meagher's, photographs of a boot print, and a tag from a pair of gloves. Defendants failed to track the

gloves back to any suspect. Subsequent investigation of the area at the Exchange Bar where Meagher's car was found turned up nothing.

64. McCormack and O'Reilly took possession of several items at the scene of Meagher's murder at Colorado Gulch, including the pieces of rope with which she had been bound. None of the items yielded any physical connection to Meagher's murderer until DNA testing was performed in 2017 and revealed the presence of David Nelson's DNA.
65. In the days following the murder, officers were unable to find any other items of interest.
66. The investigating Defendants—McCormack, Campbell, Scott, and Carlson—conducted dozens of interviews, including polygraph tests, in the days and months following the murder without settling on a suspect. They had no forensic leads.
67. By August 1994, seven months after Meagher's murder, officers were still without a prime suspect, and had run out of new leads. With Defendants Lewis and Clark County Sheriff O'Reilly and Jefferson County Sheriff Dawson both facing re-election races in November 1994, political pressure was mounting to close the high-profile case.

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E. With no other leads, the investigating Defendants focused on vulnerable Fred Lawrence, based on obviously unreliable statements from Dan and Judith Knipschield.

68. In August 1994, Dan Knipschield, Fred Lawrence's father-in-law, who was known to law enforcement as a liar who had provided local police with false leads in the past, alleged that his son-in-law Lawrence had confessed to murdering Meagher with his acquaintance Paul Jenkins months earlier. Knipschield sent this false tip in a note to Defendant Jefferson County Undersheriff Tim Campbell from the Jefferson County Jail, where Knipschield was serving time for trespassing.
69. At this point, police already knew that in March 1994, Knipschield and his wife had tried unsuccessfully to pass themselves off as witnesses to a murder in a different county, in exchange for reward money. That attempt had been rejected out of hand.
70. The investigating Defendants were also aware that months earlier, Knipschield had even provided another false tip in the Meagher case. Knipschield had claimed to a Boulder, Montana police officer that he had evidence implicating *Defendant Undersheriff Campbell* in the Meagher murder—the very same officer he later reached out to directly with his false claim that Lawrence had admitted committing the crime.

71. Knipschild was more than willing to falsely accuse his son-in-law for the reward the Meaghers were promising, which had by this point grown to \$4,000. The week before Knipschild's interview, he had been served with a foreclosure notice on his property.
72. Notwithstanding these facts known to the investigating Defendants about Knipschild's unreliability and motivation to seek reward money, Knipschild reached out to Defendant Undersheriff Campbell with his note claiming that Lawrence and Paul Jenkins were responsible for the Meagher murder.
73. Knipschild's story of the Meagher homicide made no sense; it contradicted basic known facts about the crime.
74. It was law enforcement's working theory at the time that Meagher had been bludgeoned to death with a crowbar, and there were no signs of a stabbing at the murder scene.
75. Knipschild's statement, however, indicated that the murder weapon was a knife that Paul Jenkins had allegedly lost in the days following the murder.
76. Knipschild also said Paul Jenkins and Lawrence had produced a green and yellow toy truck they had stolen from the Saloon, calling it "the only thing of value" they had gotten out of the Saloon.

77. The investigating Defendants knew that no toy truck had been stolen from the bar. No owner, employee or patron of the Saloon had ever mentioned it, and the owners only reported that money and a single key ring had been stolen.
78. Even though Knipschield's account was obviously baseless, both because it came from a known liar and because it was wholly inconsistent with known facts about the murder, Defendants jumped at this chance to close their case. Based solely on Knipschield's account, they began focusing on Lawrence and Paul Jenkins in earnest.
79. On August 5, 1994, the day after Knipschield's initial statement, Defendants Undersheriff Campbell, McCormack, and Carlson arranged for Knipschield to be let out of the Jefferson County Jail so he could wear a wire while talking to his son-in-law Lawrence, in an attempt to record a confession to the Meagher murder. On information and belief, these Defendants went to the extraordinary trouble of setting up a wire because they realized Knipschield was such an unreliable witness that his word that Lawrence had confessed to him would never be credited on its own.
80. After Knipschield made contact with Lawrence in Basin, Montana, they drove to Knipschield's property in Livingston, Montana. Lawrence's car broke down two miles from Knipschield's trailer and the two men had to

walk the rest of the way. During this walk, Knipschield claimed that the wire became dislodged and ceased transmitting to the monitoring officers. During the hours of recorded conversation, Lawrence said nothing incriminating. But Knipschield suspiciously claimed that Lawrence had again provided a full confession to the Meagher murder, allegedly during the time not captured on the wire. In truth (and as the investigating Detectives knew or should have known), Lawrence never confessed to Knipschield; Knipschield made it up.

81. In addition to being unrecorded, yet again, the alleged “confession” was completely inconsistent with the basic known facts about the crime. For example, Knipschield claimed that Lawrence confessed to murdering Meagher after holding her at knifepoint. But no evidence ever pointed to a knife being used on Meagher or at the crime scenes; the alleged confession did not mention a blunt instrument, which was the actual murder weapon.
82. After Knipschield reported back to Defendants Undersheriff Campbell, McCormack, and Carlson, he was returned to custody in the Jefferson County Jail. While there, he contacted Defendant Sheriff Dawson directly, and told him about suspicions that Donna Meagher’s own mother was involved in the homicide. Despite these continuing indications that Knipschield’s account was completely unreliable, the investigating

Defendants continued to rely on him as a reason to target Lawrence and Paul Jenkins.

83. Knipschild told the investigating Detectives that his wife, Judith Knipschild, could corroborate his account that Lawrence had confessed to the Meagher murder. Despite the pressure to close the Meagher murder case, the investigating Detectives inexplicably waited three weeks, until August 26, 1994, the day after Dan Knipschild had been released from Jefferson County Jail, to interview Judith Knipschild. Upon information and belief, investigating Detectives acceded to Dan Knipschild's request to wait to talk to his wife until he was out of jail (so that he could make sure their false stories matched), which should have been another huge red flag to the investigating Detectives that the Knipschilds' statements were false.

84. Solely on the basis of these baseless statements from Dan and Judith Knipschild, the investigating Defendants began treating Lawrence and Paul Jenkins as their prime suspects for the murder of Meagher.

F. The investigating Defendants manufactured evidence to support the Knipschilds' false allegations against Lawrence and Jenkins.

85. In the days and weeks after Meagher's murder, the investigating Defendants had received a number of descriptions of allegedly suspicious vehicles that had been spotted near the Saloon or near Colorado Gulch Road around the time of the murder. None had been connected to Lawrence or Paul Jenkins at

that time. But after Knipschild claimed Lawrence had confessed, Defendant McCormack began securing false identifications of Lawrence's and Jenkins's vehicles.

86. One witness Defendant McCormack interviewed, Dawn North, had seen a dark vehicle on the exit ramp outside the Saloon a week before the murder, and its driver was acting suspiciously. North had given an initial statement to Defendant McCormack two days after the murder on January 14, 1994, in which her description of the vehicle matched David Nelson's vehicle. However, Defendant McCormack edited North's statement in his report, falsely changing it to more strongly suggest a match to Lawrence's truck. After learning how her statement had been inaccurately reported by McCormack, North testified for Lawrence's defense at trial.
87. On August 12, 1994, Defendant McCormack wrote a report of a witness interview he had supposedly conducted on January 12, 1994, the day of the murder, in which a nurse at the Veterans' Affairs hospital, Tracy Butala, described a large older model greenish/blue vehicle leaving the parking lot of the Saloon around 1:00 AM as he was coming home from work.
88. Defendant McCormack revisited Butala on August 8, 1994 and obtained an identification of Lawrence's truck by conducting a suggestive show-up identification of the truck with Butala. At the time, Lawrence's truck was

black in color—not at all resembling the greenish/blue color Butala originally reported seeing, which matched David Nelson’s vehicle. On information and belief, and consistent with his practice, Defendant McCormack misrepresented Butala’s initial description to more closely match Lawrence’s truck—just as he had done with North’s statement. Defendant McCormack failed to report that Butala initially described a vehicle with a “topper”—David Nelson’s vehicle at the time had a beige topper.

89. Once the investigating Defendants had secured their falsified corroboration of Dan Knipschild’s statement, and suggestive, fabricated vehicle identifications, they set out to locate Lawrence. Defendants broadcasted an All-Points Bulletin for Lawrence’s arrest.

G. The investigating Defendants coerced Lawrence to give false inculpatory statements.

90. Lawrence was arrested on August 28, 1994 by Yellowstone Park Police on an outstanding warrant for not maintaining automobile insurance. The Park Police then notified Defendants Undersheriff Campbell, McCormack, and Scott, who traveled to a facility in Livingston, Montana, where Lawrence was being held, to interview him about the Meagher homicide.
91. When he was found by Park Police, Lawrence was living in isolation in his car, away from his family, with no identification and no money on him. He

was clearly disoriented. Defendants took advantage of his vulnerable state and cognitive limitations to coerce him into giving false statements inculcating Paul Jenkins in the murder of Meagher.

92. While Lawrence was in custody for driving without insurance, Defendants McCormack, Scott, and Undersheriff Campbell commenced the first of three illegal custodial interrogations of Lawrence over the course of three days.
93. Lawrence was first interrogated on August 31, 1994 for seven hours with minimal breaks. Almost immediately, Lawrence asked for an attorney, but Defendants McCormack, Scott, and Undersheriff Campbell ignored the request and continued questioning him. These Defendants only recorded the final hour of the seven-hour interrogation which they deemed to be valuable in their case against Lawrence and Paul Jenkins. Defendant McCormack later admitted to going over questions “several times” with Lawrence off tape.
94. Off tape, Lawrence was threatened with prosecution for the homicide, additional prison time for perjury, and the loss of his wife and children, if he did not cooperate with law enforcement and implicate his acquaintance Paul Jenkins as Meagher’s murderer. Lawrence repeatedly (and truthfully) told them he didn’t know anything about the crime, but they called him a liar, threatened him with charges for perjury, and made clear they would not

accept that answer. Lawrence was exhausted and crying, terrified he would never be able to see his children and wife again. Defendant Undersheriff Campbell told Lawrence that if he confessed to the murder, it was possible he could be moved to the jail in Boulder so that he could see his wife.

95. Lawrence finally acquiesced to the investigating Defendants' coercion, offering an inculpatory statement falsely implicating Paul Jenkins, and less directly, himself, in the Jackson Creek Saloon robbery and Meagher's abduction and murder. But because Lawrence was innocent, he did not have any nonpublic knowledge about how the crime was committed.
96. Using Lawrence's fear and vulnerabilities to their advantage, Defendants McCormack, Scott, and Undersheriff Campbell, fed Lawrence non-public details about the crimes and Dan Knipschild's prior statements in order to have him corroborate their false theories about the Meagher homicide.
97. At the time, even though the murder weapon had not been located, based on information from the Medical Examiner, the officers believed the murder weapon was a crowbar. That detail had never been reported publicly or to the press. Instead, consistent with their investigative training, Defendants McCormack, Scott, and Undersheriff Campbell deliberately held that detail back from the public, knowing that if a suspect's statement later included this detail, it would corroborate the reliability of that statement.

98. To falsely make Lawrence's statement appear reliable, Defendants McCormack, Scott, and Undersheriff Campbell fed the nonpublic detail about the crowbar to Lawrence, and falsely claimed it had originated with Lawrence. Lawrence indicated that Paul Jenkins had used a crowbar or a crowfoot in the killing and had subsequently thrown it into a nearby body of water, fitting his statement to Defendants' theory of the case.
99. As it turned out, the investigating Defendants' belief was incorrect. In reality, David Nelson had murdered Meagher with a hammer; it was the back end or "claw" of the hammer that had caused the injuries the Medical Examiner had mistakenly believed were caused by a crowbar. But the investigating Defendants wrongly believed that the blunt object used to kill Meagher was a crowbar, so they instructed Lawrence to falsely identify a crowbar as Jenkins's weapon in his statement.
100. In an effort to corroborate Dan Knipschild's false statements about Lawrence and Jenkins recovering a toy truck from the Saloon, Defendants McCormack, Scott, and Undersheriff Campbell fed Lawrence the false story about the toy truck, pushing Lawrence to corroborate Dan Knipschild's claim that Paul Jenkins said on tape the toy truck was the only thing of value he took from the Saloon.

101. Defendant Undersheriff Campbell later referred to the toy truck as the “meat and gravy” of the state’s case against Lawrence and Paul Jenkins, despite never locating any proof that any toy truck had been in the Saloon. In reality, the toy truck had no connection to the murder.
102. In the coerced, police-fabricated statement, Lawrence offered that Jimbo Amos, the severely mentally impaired man who was living with Jenkins at that time, had confessed to him that Amos and Jenkins had robbed the Jackson Creek Saloon together, and killed Meagher.
103. Once released from the interrogation room, Lawrence truthfully disavowed his coerced statements the following day, on September 1, 1994. When the investigating Defendants learned this, they were openly furious and pressured him again to stick to the original coerced, police-fabricated story. Lawrence was again interrogated that day by Defendants McCormack, Scott, and Undersheriff Campbell. Defendants threatened Lawrence that he could not change his account at this point, that they would not accept it, and that he would face additional criminal charges if he attempted to do so. Defendants McCormack, Scott, and Undersheriff Campbell did not tape this interview in the hopes of convincing Lawrence to change his mind and stick to their story.

104. The following day, September 2, 1994, Defendants McCormack, Scott, and Undersheriff Campbell again met with Lawrence at length. These Defendants coerced Lawrence to change his prior statements to better suit their case. They instructed him to specify that he learned the details of the crime and Paul Jenkins's involvement from Jenkins himself rather than Amos, who Defendants knew was severely mentally impaired.
105. Defendants McCormack, Scott, and Undersheriff Campbell recorded only the eight minutes of interrogation which would be used to inculcate Lawrence. During those eight minutes, they got Lawrence "back on track," and Lawrence agreed the story came from Paul Jenkins himself.
106. Defendants McCormack, Scott, and Undersheriff Campbell deliberately did not tape any of the exculpatory statements Lawrence made over the course of the three days of interrogations, their own improper and coercive tactics, or the evidence that they had fed Lawrence the nonpublic details they falsely claimed he had volunteered.
- H. The investigating Defendants coerced Mary Jenkins, who suffered from severe dementia, to falsely inculcate Lawrence and Paul Jenkins.**
107. Once the investigating Defendants had solidified their false accounts of the Meagher homicide, Defendants Scott, McCormack, and Carlson traveled to Oklahoma to arrest Paul Jenkins in September 1994. Defendants arrested Jenkins at his detail shop on September 28, 1994.

108. While in Oklahoma, Defendants Scott, McCormack, and Carlson interrogated the witness that the Lewis and Clark County Attorney who ultimately prosecuted Lawrence later described as the crux of his case: Mary Jenkins, Paul Jenkins's wife.
109. Mary Jenkins suffered from early onset Alzheimer's disease. When Defendants interrogated her in September 1994 and the months following, she had a poor and failing short-term memory. She died from the disease five years after her husband's trial.
110. Mary and Paul Jenkins were living with Amos, a severely developmentally disabled man they treated as their adopted son. Amos suffered from obvious intellectual disability. Amos had an IQ of 50.
111. After Paul Jenkins's arrest, the investigating Defendants attempted to fabricate incriminating statements from both Amos and Mary Jenkins, two obviously unreliable sources. Neither had any incriminating evidence to offer. Given their obvious cognitive impairments, neither was even able to volunteer any coherent information about the night of the Meagher homicide. Nevertheless, the investigating defendants conducted separate interrogations of both witnesses, suggesting, coercing, and feeding details to both in order to fabricate statements from each implicating Paul Jenkins and Lawrence as Meagher's murderers.

112. Defendant McCormack and Defendant Judy Stanbery, who worked as an investigator with the District Attorney's office in McAlester, Oklahoma and assisted Defendant McCormack in his investigation, first conducted an unrecorded interview of Amos directly after Paul Jenkins's arrest on September 28, 1994. Stanbery was acting at the behest of and as an investigative agent for the MCIB, the Jefferson County Sheriff's Office, and the Lewis and Clark County Sheriff's Office. It was obvious during this interview that Amos was not providing any inculpatory information; Amos was unable even to coherently discuss the Meagher homicide.
113. Defendant McCormack fabricated a report claiming that, during this unrecorded interrogation, Amos had offered an account implicating himself, Mary Jenkins, Paul Jenkins, and "the other boy," who Defendant McCormack later himself identified as Lawrence, as the abductors of Meagher. This was false; Amos never volunteered any information implicating himself, either Jenkins, or Lawrence.
114. Due to his cognitive limitations, Amos was suggestible, easily led, and extraordinarily susceptible to coercion. Later in the day on September 28, 1994, Defendant McCormack conducted his second interrogation of the mentally impaired Amos. In an effort to corroborate his falsified report, Defendant McCormack coached Amos on what to say, and threatened him

with jail time if he failed to cooperate. Defendant McCormack selectively tape-recorded only portions of the interrogation to falsely suggest Amos was providing reliable information incriminating Lawrence and Paul Jenkins, and falsely suggest that the information originated with Amos. Amos was incapable of providing any coherent account himself on the recording. McCormack and Stanbery hid the true circumstances of the interview, which would have made clear that Amos was unable to provide any reliable evidence.

115. In January of 1995, Amos was residing in a mental hospital in Oklahoma. Desperate for more corroboration, McCormack and Stanbery entered the hospital without permission or clearance from hospital staff. They took Amos into an unused group room and questioned and recorded at least portions of the interview without permission. They told Amos they wanted him as a witness in court or he would go to jail.
116. After securing the tape-recorded statement from Amos, Defendants McCormack, Scott, Carlson, and Stanbery repeated their pattern with Mary Jenkins, using suggestion and coercion to manipulate a similarly incriminating account from her. At the time, Mary Jenkins's dementia had reached a stage where she could not remember events even in the hours after they had occurred. She was unable to volunteer narrative accounts of any

event, but was highly suggestible, compliant, and eager to please, and would give yes or no answers to questions if she was pushed to do so.

117. Defendants McCormack, Scott, Carlson, and Stanbery used the symptoms of Mary Jenkins's dementia to their advantage, as they had with Amos's developmental disabilities. They interrogated her five times over the five months preceding trial, using suggestion and coercion in attempts to get her to say she was at the Saloon on the night of Meagher's murder, and saw her husband and Lawrence slap Meagher and abduct her from the bar.
118. The first of these interrogations occurred on September 28, 1994, the day of Paul Jenkins's arrest, in the hours following Amos's first interrogation. Defendants McCormack, Scott, and Carlson interrogated Mary Jenkins for nearly two hours that day, but she was unable to volunteer any information about the Meagher homicide or the supposed involvement of her husband. She told Defendant McCormack that, due to her serious illness, she "couldn't remember anything about Montana." Failing to get any coherent incriminating statements from Mary, Defendants declined to tape this interview, just as they had failed to tape Amos's initial interview when he was similarly unable to volunteer information without continued suggestion and coercion.

119. Desperate to beef up their case, Defendants changed their tactics.

Defendants McCormack and Scott fabricated reports stating just two days later on September 30, 1994, Mary Jenkins suddenly and vividly recalled being at the Saloon on the morning of January 12. According to Defendant McCormack, Mary Jenkins told them she had seen Lawrence place Meagher in the back of his vehicle and drive off with her husband. This was false. Mary Jenkins never volunteered any such false story, as her dementia prevented her from giving such a narrative account of an event.

120. The investigating Defendants then set out to fabricate corroboration of their false reports. While back in Montana, they instructed Defendant Stanbery to interview Mary Jenkins a third time.

121. Defendant Stanbery interviewed Mary Jenkins in her car in Oklahoma for approximately an hour. Defendant Stanbery claimed this interview was tape recorded.

122. Still desperately trying to coax a confession from Mary Jenkins, Defendants Scott and McCormack travelled to Oklahoma in November 1994 specifically to interview her again, for a fourth time.

123. Prior to that interview, they either did not review Defendant Stanbery's tape of her third interview with Mary Jenkins, which was still in Defendant Stanbery's personal possession, or did not document that review,

intentionally hiding the exculpatory implications of the third tape—that Mary Jenkins was still unable to give a narrative account of, or even recall, her time in Montana. Nor did Defendants Scott and McCormack take custody of that tape and bring it back to Montana.

124. During their interrogation of Mary Jenkins, Defendants McCormack and Scott threatened her repeatedly with prosecution and with the loss of her children if she did not cooperate. Defendants McCormack and Scott used her dementia to manipulate her, and interrogated her for three hours, instructing her on details to provide on the recording. Like Jimbo Amos, Mary Jenkins was suggestible, easily led, and extraordinarily susceptible to coercion. Only half of this interrogation, and none of the prior alleged “preparation” was recorded.
125. The investigating Defendants were able to exploit Mary Jenkins’s dementia and cognitive limitations to fabricate evidence making it seem that Mary was implicating her husband and Lawrence as Meagher’s murderers, and that those details originated with Mary Jenkins. Defendants McCormack and Scott posed leading questions—to which the confused and suggestible Mary Jenkins responded affirmatively—and selectively tape recorded to produce a thoroughly misleading account of the interview. Defendants McCormack and Scott hid the true circumstances of the interview, which made clear that

Mary Jenkins was unable to provide any reliable evidence or volunteer any independent account of the events that occurred on the night of Meagher's murder.

126. Defendants McCormack and Scott deliberately altered the taping of Mary Jenkins's statement in order to fabricate her confessions as organic. When she veered off script and correctly accused Defendant McCormack as "putting words in [her] mouth," these Defendants abruptly turned off their recording until she could again be coerced to stick to their story, just as they turned off their recording of Lawrence's statement until they got him "back on track."
127. Distraught from the pressure of her husband's wrongful arrest and her interrogation and the threats levied by Defendants, in the days following her November statement to Defendants Scott and McCormack, Mary Jenkins was admitted to a mental health facility in Oklahoma for residential treatment.
128. After her discharge from the facility, Mary Jenkins met with members of her husband's defense team and said she had no recollection of the events Defendants McCormack, Scott, and Stanbery had reported she had witnessed and described in her four statements, and stated she had just told the officers what they wanted to hear.

129. Defendant Stanbery claimed that on January 23, 1995, two weeks prior to trial, she mailed the tape recording of her October interview with Mary Jenkins to Montana— even though she was herself traveling to Montana for the trial at the same time—and that the tape was lost by the United States Postal Service. The investigating Defendants claimed County Attorney McGrath received only an envelope and a notice from the post office in its stead. Defendant Stanbery failed to produce a report or a transcript of the contents of the tape during the four months it was allegedly in her possession, and Defendants Scott and McCormack, who had been with Stanbury in Oklahoma while she had the tape in her possession, similarly failed to produce a report or transcript of the contents of the tape.
130. On information and belief, Defendant Stanbery and one or more other Defendants destroyed the tape of the interview when it became clear that they were unable to coerce any incriminating statements from Mary Jenkins, and to hide exculpatory evidence of Mary Jenkins's memory issues.
131. Defendants were concerned that Mary Jenkins would not be able to stick to the story they fabricated when she testified at trial, given her clear memory issues and documented distress from her interrogations. Defendants McCormack and Stanbery made a final effort to solidify her false statements days before trial, after Mary Jenkins had arrived back in Helena to testify.

132. After meeting with Mary Jenkins in her hotel room, Defendants McCormack and Stanbery fabricated a succinct report that was similar in content, but more detailed, than the report Defendant McCormack had prepared following his two September interrogations of Jenkins.
133. Defendants McCormack and Stanbery again fabricated that Mary Jenkins had volunteered the statement that she had witnessed her husband and Lawrence assault Meagher and drive her away from the Saloon in the trunk of their vehicle—but Defendants added two additional details to corroborate loose ends in their case. They wrote that Mary Jenkins corroborated the use of a crowbar in the homicide, and that she had seen Lawrence pick up the toy car from the bar.
134. Mary Jenkins was not present for the Meagher murder and did not have any actual knowledge about how it was committed or who committed it. She was also, due to her dementia and cognitive limitations, incapable of volunteering a coherent narrative account of the night of the crime. McCormack and Stanbery either entirely fabricated that Mary Jenkins had ever said anything about the crowbar and toy car, or fed this information to her and then falsely reported that she had volunteered these corroborating details.

I. Lawrence and Paul Jenkins moved to bar testimony from Amos and Mary Jenkins due to their obvious mental limitations.

135. As trial approached, with Lawrence having disavowed his incriminating statements as coerced, and Dan Knipschild presenting as a clearly unreliable witness, the prosecution's case rested primarily on the taped statements and fabricated reports from the two highly suggestible and mentally disabled witnesses, Amos and Mary Jenkins. It was obvious to anyone who interacted with either witness that each had severe cognitive limitations that made any alleged statements they would offer extremely suspect. Furthermore, in the weeks before trial, Mary Jenkins had represented to the criminal defense that her statements were coerced as well, and that she had no true recollection of ever being at the Jackson Creek Saloon. The defense moved to bar either witness from offering testimony at trial, arguing their respective cognitive disabilities rendered them incompetent as witnesses.
136. Although the bar for a witness to be ruled competent is extraordinarily low, after Amos testified at the competency hearing, the court ruled he did not meet the standard. Amos was unable to coherently respond to any question that was asked of him.
137. That left only Mary Jenkins as the prosecution's star witness. The County Attorney told the court:

“We are in a situation where we have two eye witnesses [Mary Jenkins and Amos] to this crime, one of whom [Amos] now has been excluded from even looking at the jury. . . . Now they want to preclude the use of what in effect is the compelling evidence from Mary Jenkins. Without this evidence we don’t have a case. We are not able to proceed Without the eye witnesses we have no case. We can’t put in the rest of our evidence.”

138. Though she displayed obvious memory issues on the stand at the pre-trial competency hearing, had scant recollection of her alleged statements to law enforcement, and had accused Defendant Officers of suggestion on tape, twice, Mary Jenkins was ruled competent to testify based on Defendants’ misrepresentations about her ability to express herself conversationally—even despite expert testimony that this did not speak to her ability to reliably recall past events.

J. Lawrence wrongfully convicted.

139. At trial, because the statements from Lawrence could not be used against Paul Jenkins, two juries were empaneled.
140. The state presented no physical evidence linking Lawrence or Paul Jenkins to Meagher’s homicide. At the request of Defendants McCormack, Scott, Undersheriff Campbell, and Carlson, several forensic tests were run, but none yielded any connection to the two innocent men.
141. In the absence of any physical evidence against them, the State’s case rested on law enforcement’s fabricated statements attributed to Mary Jenkins and

Lawrence, as well as law enforcement's fabricated car identifications, principally that of Tracy Butala. Dan Knipschild also testified, but given the obvious problems with his account and his credibility, the prosecution downplayed its reliance on this evidence.

142. The County Attorney stressed that the statements attributed to each of the three principal witnesses—Dan Knipschild, Lawrence, and Mary Jenkins—had corroborated non-public details of the crime, namely the presence of the toy truck in the bar that all three had mentioned, and the use of the crowbar as the murder weapon, which was a key detail in the coerced statements taken from Mary Jenkins and Lawrence. Defendant officers falsely represented to the prosecutor that these and other details had independently originated with Mary Jenkins and Lawrence, when in fact they had originated with law enforcement.
143. In presenting Mary Jenkins's alleged accounts, the County Attorney emphasized the written and recorded statements that the investigating Defendants fabricated. When Mary Jenkins actually took the stand to testify at trial, she could not replicate the coherent account Defendants falsely claimed she gave in earlier interviews, could not concretely remember any details about the crime, and denied that Lawrence and Paul Jenkins were ever present at the Jackson Creek Saloon. This was exploited by the County

Attorney, enabling him to introduce the reports, fabricated by Defendant officers, of Mary Jenkins's prior statements. Only the fabricated reports of her alleged statements to law enforcement served to establish her incriminating account, and Lawrence and Paul Jenkins were convicted largely on the basis of these fabrications.

144. Though the jury was privy to claims about Dan Knipschild's unreliability, they did not know that the statements made by Lawrence and Mary Jenkins were completely fabricated by law enforcement based on Knipschild's interviews with Defendant Officers and law enforcement's own theories of the case.
145. The County Attorney specifically argued that Lawrence had been the first person to mention a crow'sfoot or crowbar in the course of his multiple interrogations, emphasizing that this was non-public information which corroborated Lawrence's guilt.
146. In reports to the prosecutor, at a pre-trial suppression hearing, and at trial, Defendant officers repeatedly denied that Lawrence had ever been coerced or fed non-public facts.
147. Defendant officers also repeatedly denied that Mary Jenkins had been improperly led or coerced. In his closing, the County Attorney acknowledged that tapes of Mary Jenkins showed the use of "leading

questions” but he and Defendants maintained that Mary Jenkins suddenly grew vague when tape recorded, and that the jury should rely on Defendants’ fabricated accounts of her statements implicating herself, her husband, and Lawrence in Meagher’s murder.

148. Neither false detail of the murder highlighted at trial—not the “meat and gravy” facts about the toy truck, nor Defendants’ crowbar theory—corresponds to what actually occurred on the morning of January 12, 1994, when David Nelson murdered Meagher with the claw end of a hammer, and left the saloon with only stolen cash.
149. Lawrence testified in his own defense, explaining that he was innocent, that he had no information inculcating Jenkins, and that the statements Defendants had taken from him had been coerced. The defense also presented several witnesses who discredited both of the Knipschields’ false statements, as well as a forensic psychiatrist who testified to the gravity of Mary Jenkins’s dementia.
150. In February 1995, Lawrence and Paul Jenkins were convicted of the aggravated kidnapping and deliberate homicide of Meagher, as well as the robbery of the Jackson Creek Saloon.

151. On May 1, 1995, Lawrence and Jenkins were each sentenced to two concurrent life sentences, and a concurrent sentence of 40 years for the robbery, without the possibility of parole.
- K. Ravalli County Sheriff's Office deputies ignored reports of David Nelson's confession in 1998 and leads that could have pointed to Nelson as the true perpetrator before 2016.**
152. In 1999, four years after Lawrence and Jenkins were convicted, Fred Allen Nelson relayed to Ravalli County Sheriff's Office detectives that his uncle, David Nelson, had murdered a woman at a Helena casino. Fred Nelson was interviewed by Ravalli County Detectives JR Chinn and Defendant Sterling Maus.
153. Fred Nelson relayed to police that his uncle David had said "two mentally challenged... kids" were "taking the rap" for his Helena murder, referring to Lawrence and Paul Jenkins.
154. Fred Nelson had been living with his uncle and described him as a "bad guy" who described himself as "close to being a demon."
155. Fred Nelson related his uncle's confession to police while being questioned for a robbery he had committed with his uncle. In the commission of the robbery, David Nelson wrestled a female victim to the floor and bound her wrists, as he had bound Meagher's wrists while robbing the Jackson Creek Saloon.

156. Fred Nelson told Ravalli County officers that David Nelson had described accurate, non-public details of the Meagher murder, such as the fact that Meagher was murdered with the claw end of a hammer. He also related that David Nelson had thrown the hammer into a pond, explaining why police could never locate a murder weapon.
157. Fred Nelson also implied that David Nelson had used his 1984 blue-green Dodge Charger with beige topper in the Meagher homicide. David Nelson's Charger matches the description of Kelly Bates, who saw a green older model vehicle with a beige top in the parking lot of the Jackson Creek Saloon between 1:15 AM and 1:30. Joe and Barb Shaffer gave a similar description of a vehicle driving recklessly near Colorado Gulch Road at around 6:30 AM, hours before Meagher's body was found.
158. David Nelson still owned his 1984 Dodge in 1999, and Detective Chinn ordered photographs of the vehicle, which were taken.
159. Despite the accuracy of Fred Nelson's account of David Nelson's confession, upon information and belief, the Ravalli County officers failed to relay the information or the photographs taken of David Nelson's vehicle to the Montana Criminal Investigation Bureau, the Lewis and Clark County Sheriff's Department, or any of the other agencies involved in the investigation of Meagher's homicide. In the alternative, if the Ravalli County

officers did relay this information to the Montana Criminal Investigation Bureau, the Lewis and Clark County Sheriff's Department, or any of the other Defendants officers or agencies involved in the investigation of Meagher's homicide, those Defendants failed to take any action to disclose this plainly exculpatory information to Lawrence, his defense attorney, the prosecution, or the Court.

160. Ravalli County officers took no action in furthering investigation of David Nelson until 18 years later, in 2016, when Fred Nelson reiterated his previous statements about his uncle's involvement in the Meagher murder to officers from the Dillon Police Department, who finally alerted Montana Department of Justice, Department of Criminal Investigation agents, resulting in a reinvestigation of the homicide 22 years after the fact.
161. David Nelson became the focus of the State of Montana's reopened investigation into Meagher's murder.
- L. DNA evidence exonerates Lawrence and Jenkins and identifies David Nelson as the true perpetrator.**
162. Lawrence and Paul Jenkins maintained their innocence of the murder of Meagher through trial and after their wrongful convictions in February 1995.
163. In 2012 the Montana Innocence Project began investigating the cases of Lawrence and Paul Jenkins, and on July 23, 2015, attorneys from the Montana

Innocence Project filed petitions on their behalf to test DNA in the Meagher case.

164. While Lawrence and Jenkins's petitions were pending, their attorneys uncovered new evidence of innocence—that David Nelson, known violent criminal, had admitted to murdering Meagher back in 1999, and that his nephew Fred Nelson had reported these admissions to Ravalli County law enforcement officers in 1999.
165. In 2016, Fred Nelson reiterated his previous statements about his uncle's involvement in the Meagher murder to law enforcement officers from the Dillon Police Department, who finally alerted Montana Department of Justice, Department of Criminal Investigation agents, resulting in a reinvestigation of the homicide 22 years after the fact.
166. On June 9, 2016, in the midst of their reinvestigation, the State of Montana agreed that DNA testing should be conducted.
167. Testing by Bode Cellmark Forensics Laboratory in 2017 isolated DNA profiles from the rope found near Meagher's arm, which was unbound and had ligature marks on it at the time the body was recovered. The testing identified one female DNA profile that matched Meagher, and a major male profile that ultimately, in early 2018, was found to match David Nelson, whose profile was on file in the State's convicted felon DNA database.

168. Lawrence and Paul Jenkins were both excluded as the sources of any of the profiles found on the rope.
169. On January 22, 2018, lawyers from the Montana Innocence Project moved to vacate the convictions of Lawrence and Jenkins.
170. Following a hearing on April 2, 2018, Judge Kathy Seeley of the Montana First Judicial District Court, Lewis and Clark County, granted the motion. She noted in her decision that no physical evidence linked Lawrence or Jenkins to Meagher's murder, and that instead "the physical evidence, and the statements and testimony of Fred Nelson, support the theory that David Nelson, a known killer, was involved in the robbery, kidnapping and homicide of Donna Meagher."
171. On April 17, 2018, Lawrence and Jenkins were released from prison after serving more than 23 years for crimes they did not commit.
172. On June 1, 2018, the state of Montana dismissed all charges against Lawrence and Jenkins.

DAMAGES

173. Fred Lawrence spent more than 23 years in prison for a murder he did not commit. During his incarceration, his wife died and his parental rights to his children were terminated. His children's whereabouts are now unknown to him.

174. As a result of the foregoing, Lawrence suffered tremendous damages, including physical sickness, injury, and emotional damage, all proximately caused by Defendants' misconduct. Lawrence sustained injuries and damages including: loss of freedom for more than 23 years; physical pain and suffering, including a traumatic brain injury while he was incarcerated; severe mental anguish; emotional distress; loss of family relationships; severe psychological damage; loss of property; legal expenses; loss of income and career opportunities; humiliation, indignities, and embarrassment; degradation; permanent loss of natural psychological development; and restrictions on all forms of personal freedom including but not limited to diet, sleep, personal contact, educational opportunity, vocational opportunity, athletic opportunity, personal fulfillment, sexual activity, family relations, reading, television, movies, travel, enjoyment, and expression, for which Lawrence is entitled to monetary relief.
175. As a direct result of Defendants' intentional, bad faith, willful, wanton, reckless, and/or deliberately indifferent acts and omissions, Lawrence sustained physical injuries and damages, including physical pain and suffering, personal injuries, physical illness, and inadequate medical care, for which he is entitled to monetary relief.

176. These injuries and damages to Lawrence were foreseeable to Defendants at the time of their acts and omissions.
177. All of the acts and omissions committed by Defendants were done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently, and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

PLAINTIFF'S CLAIMS

COUNT I

42 U.S.C. § 1983 Claim for Deprivation of Liberty Without Due Process of Law and Violation of Right to a Fair Trial, Under the Fourteenth Amendment

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, and Stanbery

178. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
179. Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Stanbery, and others yet unknown, fabricated false evidence of Lawrence's guilt and suppressed exculpatory and material evidence of Lawrence's innocence, thereby violating Lawrence's right to a fair trial and causing him to be deprived of his liberty without due process of law.
180. As described in greater detail above, Defendants fabricated evidence in a number of ways prior to trial, and they did so knowingly or in reckless

disregard for the truth. The fabricated evidence was used to arrest Lawrence, to prosecute him, and was the basis for the jury's guilty verdict.

a. Defendants, individually and in concert, deliberately fabricated witness statements, including but not limited to:

- i. Defendants fabricated reports falsely claiming that Amos and Mary Jenkins had provided more compelling narrative accounts implicating Lawrence when they were not being recorded.
- ii. Defendants manipulated tape recordings by turning on and off the tape to falsely create the appearance that Amos and Mary Jenkins were implicating Lawrence in the murder.
- iii. Defendants fabricated reports falsely claiming that nonpublic details about the Meagher murder had originated with Lawrence.
- iv. Defendants manipulated tape recordings by turning on and off the tape to falsely create the appearance that nonpublic details about the Meagher murder originated with Lawrence, and to hide exculpatory statements made by Lawrence.
- v. Defendants, individually and in concert, used investigative techniques that were so coercive and abusive that they knew or should have known that those techniques would yield false

information. For example, when Amos and Mary Jenkins, who both had severe cognitive limitations, could not offer coherent narratives of past events, Defendants used leading questions, coercion, and suggestion to cause them to implicate Lawrence in the murder.

- b. Defendants, individually and in concert, used identification procedures that were so suggestive that they knew or should have known that those techniques would yield false information. For example, many months after the crime, Defendants obtained accounts falsely linking Lawrence's and Paul Jenkins's vehicles to the crime scene even though initial reports of vehicle sightings near the crime scene more closely matched those owned by David Nelson, the true perpetrator.
- c. Defendants, individually and in concert, continued their investigation of Lawrence despite the fact that they knew or should have known that he was innocent. In particular, in addition to ignoring the lack of any physical or forensic evidence tying Lawrence to the crime, Defendants ignored Lawrence's repeated protestations of innocence, and the inability of any of the witnesses implicating Lawrence to volunteer accurate nonpublic information about the crime.

181. In addition to fabricating evidence, Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Stanbery, and others yet unknown, individually and in concert, in an effort to secure Lawrence's conviction without regard to his actual innocence, suppressed material, exculpatory and impeachment information from Lawrence, Lawrence's defense counsel, and the prosecution in violation of the Constitution and *Brady v. Maryland*, including but not limited to the following:

- a. Defendants, individually and in concert, failed to memorialize, intentionally suppressed, and/or recklessly failed to disclose the true circumstances of Amos's and Mary Jenkins's statements.
- b. Defendants, individually and in concert, failed to memorialize, intentionally suppressed, and/or recklessly failed to disclose evidence of their own misconduct during the investigation, including the use of coercive and abusive investigative techniques.
- c. Defendants, individually and in concert, intentionally destroyed exculpatory evidence. For example, on information and belief, Defendants intentionally and in bad faith destroyed a tape of an interview with Mary Jenkins that included exculpatory and impeachment information.

182. Evidence of Defendants' misconduct could have been used to undermine key evidence relied on by Defendants in this investigation. Had it been disclosed, it could have been used at trial to impeach Defendants as well as the quality of the entire investigation.
183. Defendants' actions, individually and cumulatively, played a direct and decisive role in the jury's guilty verdict and were highly prejudicial to Lawrence's defense. Had Defendants not engaged in such misconduct or had their misconduct been disclosed, the evidence would have tended to prove Lawrence's innocence, cast doubt on the entire police investigation and prosecution, and most likely would have created a different result at trial.
184. The foregoing acts and omissions were deliberate, reckless, wanton, cruel, motivated by evil motive or intent, done in bad faith, and/or involved callous indifference to Lawrence's federally protected rights. These acts were perpetrated while Defendants were acting under color of state law and in their capacities as employees or agents of Lewis and Clark County, Jefferson County, and the Montana Bureau of Criminal Investigation.
185. As a direct and proximate result of Defendants' actions, Lawrence was wrongly arrested, detained, charged with murder, prosecuted, convicted, sentenced to two terms of life in prison and a concurrent 40 years,

incarcerated for over 23 years, and suffered the other grievous injuries and damages set forth above.

COUNT II

42 U.S.C. § 1983 Claim for Post-Trial Suppression of Exculpatory Evidence and Deprivation of Liberty Without Due Process of Law Under the Fourteenth Amendment

Against Defendant Maus

186. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
187. Defendant Maus, JR Chinn, and others known and unknown, individually and in concert, in an effort to preserve Lawrence's conviction without regard to his actual innocence, suppressed material, exculpatory information in violation of the Constitution. For example, Defendant Maus, JR Chinn and others known and unknown, individually and in concert, failed to memorialize, intentionally suppressed, and/or recklessly failed to disclose the 1999 statement of David Nelson's nephew, Fred Nelson, that David Nelson had confessed to having committed Meagher's murder to him.
188. Lawrence had a liberty interest in proving his innocence, including through newly discovered exculpatory evidence.
189. Defendant Maus's misconduct deprived Lawrence of powerful new evidence of innocence that he did not have until its belated disclosure in 2016. With

that critical evidence, earlier efforts at post-conviction relief would have been successful and freed Lawrence from prison.

190. The foregoing acts and omissions were deliberate, reckless, wanton, cruel, motivated by evil motive or intent, done in bad faith, and/or involved callous indifference to Lawrence's federally protected rights. These acts were perpetrated while Defendant Maus and others known and unknown were acting under color of state law and in their capacities as employees or agents of Ravalli County and/or other entities.
191. As a direct and proximate result of Defendant Maus's misconduct, Lawrence's incarceration was wrongfully extended, and Lawrence continued to suffer all of the grievous injuries and damages set forth above.

COUNT III

42 U.S.C. § 1983 Claim for Violation of the Right Against Self-Incrimination in Violation of the Fifth and Fourteenth Amendment

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, and Scott

192. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
193. Although Lawrence never confessed to Meagher's murder—a horrific crime that he had nothing to do with—the statements he made during his interrogations which were subsequently used against him at his trial were

obtained, twisted, and manipulated against him in violation of his Fifth and Fourteenth Amendment rights.

194. In particular, as described in detail above, the circumstances of Lawrence's interrogation were highly coercive, including but not limited to the following:

a. Defendants McCormack, Scott, Campbell, and others yet unknown, individually and in concert, falsely threatened Lawrence, who was highly susceptible to suggestion, with prosecution and removal from his wife and children, and falsely implied that he would be released without charges if he inculpated Paul Jenkins.

b. When Lawrence attempted to recant his statements inculpating Paul Jenkins, Defendants McCormack, Scott, Campbell, Carlson, and others yet unknown, individually and in concert, refused to accept his truthful answers and instead threatened him with perjury charges.

195. These coercive interrogation techniques shock the conscience and violate the decencies of civilized conduct. By interrogating Lawrence in this manner and doing nothing subsequent to stop the violation, Defendants set in motion a series of acts by others which they knew or reasonable should have known would cause these statements to be used against Lawrence at trial, thereby inflicting constitutional injury.

196. As a direct and proximate result of Defendants' actions, Lawrence was wrongly arrested, detained, charged with murder, prosecuted, convicted, sentenced to two terms of life in prison and a concurrent 40 years, incarcerated for over 23 years, and suffered the other grievous injuries and damages set forth above.

COUNT IV

42 U.S.C. § 1983 Claim for Malicious Prosecution and Violation of the Fourth and Fourteenth Amendments

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, and Stanbery

197. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:

198. The criminal proceedings initiated against Lawrence in 1994 have been pursued to a legal termination favorable to Lawrence. Specifically, on April 13, 2018, Judge Kathy Seeley of the Montana First Judicial District Court, Lewis and Clark County, granted Lawrence's motion to vacate his conviction. On April 17, 2018, Lawrence was released from prison, and on June 1, 2018, the state of Montana dismissed all charges against Lawrence.

199. The criminal proceedings initiated against Lawrence in 1994 were brought without probable cause and without any reasonable belief in guilt.

200. The obviously unreliable statement of Dan Knipschild, the tainted vehicle identifications, and the coerced and/or fabricated statements of Amos and Mary Jenkins failed to provide probable cause to arrest Lawrence for Meagher's murder. Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Stanbery, and others yet unknown, were aware of this fact but nonetheless caused the arrest of Lawrence, and subsequently, Defendants intentionally continued the prosecution against Lawrence on the basis of fabricated inculpatory evidence and suppressed material exculpatory evidence, thereby effecting a continuing seizure of Lawrence in violation of his Fourth and Fourteenth Amendment rights.
201. The criminal proceedings against Lawrence were initiated and continued on the basis of Defendants' intentional and knowingly false accusations, fabrication of evidence, suppression of exculpatory evidence, and other malicious conduct.
202. In falsely arresting Lawrence despite the absence of probable cause to believe he had committed a crime, Defendants deprived Lawrence of his liberty prior to the preliminary hearing, and in maliciously prosecuting him despite the absence of probable cause or existence of other evidence linking Lawrence to the crime, Defendants caused Lawrence to suffer the indignity of a public

trial, over 23 years of emotional distress while serving prison time for a crime he did not commit, and the other injuries and damages set forth above.

203. The criminal proceedings against Lawrence were initiated with malice in that Defendants caused the charges against Lawrence to be filed by knowingly providing the prosecution misinformation, concealing exculpatory evidence, and otherwise engaging in wrongful and bad faith conduct that was actively instrumental in causing the initiation of the legal proceedings against Lawrence.

204. Defendants' wrongful prosecution of Lawrence, which was initiated with malice and without probable cause, and was brought for the purpose of denying Lawrence's constitutional rights, including his right to be free from unreasonable searches and seizures, and his right to not be deprived of liberty without due process of law.

205. As a direct and proximate result of Defendants' actions, Lawrence was wrongly prosecuted, detained, and incarcerated for over 23 years and suffered the other grievous injuries and damages set forth above.

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COUNT V
42 U.S.C. § 1983 Civil Rights Conspiracy Claim

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, and Stanbery

206. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
207. Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, Stanbery, and others yet unknown agreed among themselves to act in concert to deprive Lawrence of his clearly established constitutional rights as protected by the Fourth, Fifth, and Fourteenth Amendments, including his right not to be deprived of liberty without due process of law and be free from illegal seizure.
208. As described in detail above, in furtherance of the conspiracy, Defendants engaged in and facilitated numerous overt acts in furtherance of the conspiracy, including but not limited to the following:
- a. Acting in concert to suggest, coerce, and/or fabricate Amos's and Mary Jenkins's statements implicating Lawrence, as well as Lawrence's statements implicating Paul Jenkins and inculcating himself;
 - b. Acting in concert to conceal that Amos's, Mary Jenkins's, and Lawrence's statements had been tainted;

- c. Acting in concert to fabricate reports falsely claiming that Amos and Mary Jenkins had provided more compelling narrative accounts implicating Lawrence when they were not being recorded;
 - d. Acting in concert to conceal the fact that, during Amos's and Mary Jenkins's statements, the recordings were turned on and off to falsely create the appearance that Amos and Mary Jenkins were implicating Lawrence in Meagher's murder;
 - e. Acting in concert to suggest, coerce, and/or fabricate vehicle identifications linking Lawrence's and Paul Jenkins's vehicles to the crime; and
 - f. Prior and subsequent to Lawrence's arrest, charging, and indictment, deliberately ignoring and/or recklessly failing to investigate evidence of Lawrence's innocence.
209. As a direct and proximate result of Defendants' overt acts, Lawrence was deprived of his constitutional rights; wrongly prosecuted, detained, and incarcerated for over 23 years; and subjected to other grievous injuries and damages as set forth above.

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COUNT VI
42 U.S.C. § 1983 Supervisory Liability Claim

Against Defendants O'Reilly, Dawson, and Campbell

210. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
211. Mr. Lawrence's wrongful arrest, confinement, prosecution, trial, conviction, and incarceration was caused by the unconstitutional action and inaction of Defendants O'Reilly (the Lewis and Clark County Sheriff), Dawson (the Jefferson County Sheriff), and Campbell (the Jefferson County Undersheriff), acting in their individual capacities and under color of law.
212. Upon information and belief, Defendants O'Reilly, Dawson, and Campbell directly participated in the misconduct that resulted in Lawrence's wrongful conviction, including but not limited to coercing, fabricating, or suggesting false statements and vehicle identifications and suppressing exculpatory evidence.
213. Upon information and belief, Defendants O'Reilly, Dawson, and Campbell were personally aware of the misconduct engaged in by their subordinate officers, who were under their direct supervision and given the high-profile nature of the Meagher investigation.

214. Defendants O'Reilly, Dawson, and Campbell knowingly refused to come forward with information that would have terminated the wrongful prosecution of Lawrence, which, upon information and belief, they knew or should have known had been initiated based on the coerced, fabricated, or suggested statements and identifications, as well as in spite of suppressed exculpatory information. As a result, O'Reilly, Dawson, and Campbell knew or reasonably should have known that Lawrence's constitutional rights to be free from unreasonable seizure and not to be deprived of liberty without due process of law would be violated.

215. Defendants O'Reilly, Dawson, and Campbell culpably failed to adequately train, supervise, and/or control their subordinates, who obtained coerced, fabricated, or suggested identifications, and suppressed exculpatory information.

216. Defendants O'Reilly, Dawson, and Campbell violated Lawrence's constitutional rights by acquiescing in the deprivation of Lawrence's constitutional rights by their subordinates, and by generally showing a reckless or callous indifference to Lawrence's rights.

217. Defendants O'Reilly, Dawson, and Campbell's failure to train, supervise, and/or control their subordinates, their indifference to the actions of their subordinates, and their indifference to Lawrence's rights, encouraged and

permitted their subordinates to fabricate evidence and to fail to document and to disclose exculpatory evidence.

218. The actions and omissions of Defendants O'Reilly, Dawson, and Campbell, in their individual capacities, caused Lawrence to suffer the constitutional deprivations and grievous personal injuries and damages described above.

COUNT VII

42 U.S.C. § 1983 *Monell* Claim for Direct Involvement of Policymakers

Against Lewis and Clark County and Jefferson County

219. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:

220. Defendant Lewis and Clark County was at all times relevant to this Complaint responsible for the policies, practices, and customs of the Lewis and Clark County Sheriff's Office.

221. Defendant Jefferson County was at all times relevant to this Complaint responsible for the policies, practices, and customs of the Jefferson County Sheriff's Office.

222. Defendants Lewis and Clark County and Jefferson County created and maintained a custom, policy and/or practice of unconstitutional misconduct in homicide investigations, including but not limited to the encouragement and use of, and reliance on, suggestive and/or coercive techniques during

interviews and interrogations to obtain false statements, plainly unreliable informants and/or witness statements that law enforcement knew or should have known were false, the fabrication of inculpatory evidence, the suppression of exculpatory and/or impeachment evidence, the intentional failure to utilize constitutionally proper identification procedures, and the intentional failure to conduct adequate investigations of crimes.

223. Defendants O'Reilly (the Lewis and Clark County Sheriff) and Dawson (the Jefferson County Sheriff), the final policymakers of the Lewis and Clark County Sheriff's Office and the Jefferson County Sheriff's Office, respectively, decided to undertake and participate in improper interrogation and interview techniques, as well as the withholding and suppression of material exculpatory evidence from the defense. Defendants O'Reilly and Dawson's decisions as final policymakers demonstrate the custom, policy and/or practice of unconstitutional misconduct in homicide investigations in Lewis and Clark and Jefferson Counties, respectively.

224. Defendants O'Reilly and Dawson, as the final policymakers of the Lewis and Clark County Sheriff's Office and Jefferson County Sheriff's Office, respectively, also ratified the unconstitutional decisions and actions of the individual Defendants as described above.

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COUNT VIII

State Law Pendant Claim for False Imprisonment

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, and Stanbery

225. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:

226. The conduct of the above-named Defendants directly resulted in the false imprisonment of Lawrence.

227. Lawrence's liberty of movement and freedom to remain in the place of his own lawful choice was violated by his wrongful conviction causing him to be restrained against his will.

228. The restraint of Lawrence against his will, was caused by Defendants' aforementioned conduct in fabricating evidence, concealing exculpatory evidence, and failing to transmit proof of his innocence.

229. As a direct and proximate result of Defendants' actions, Lawrence suffered the grievous injuries and damages set forth above.

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COUNT IX

State Law Pendant Claim for Negligent Infliction of Emotional Distress

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, and Stanbery

230. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
231. Lawrence has suffered serious and severe emotional distress as a direct and proximate result of Defendants' negligent acts in both unlawfully obtaining his wrongful conviction and by failing to turn over evidence directly proving his innocence.
232. Lawrence's serious and severe emotional distress was a reasonably foreseeable consequence of Defendants' actions.
233. As a direct and proximate result of Defendants' actions, Lawrence has suffered emotional distress which has been accompanied by physical manifestations, including anxiety, depression, weight loss, loss of sleep, and other ailments.

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COUNT X

State Law Pendant Claim for Intentional Infliction of Emotional Distress

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, and Stanbery

234. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
235. Lawrence has suffered serious and severe emotional distress as a direct and proximate result of Defendants' intentional acts in both unlawfully obtaining his wrongful conviction and by failing to turn over evidence directly proving his innocence.
236. Lawrence's serious and severe emotional distress was a reasonably foreseeable consequence of Defendants' actions.
237. As a direct and proximate result of Defendants' actions, Lawrence has suffered emotional distress which has been accompanied by physical manifestations, including anxiety, depression, weight loss, loss of sleep, and other ailments.

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COUNT XI

State Law Pendant Claim for Violations of the Montana Constitution

Against Defendants McCormack, O'Reilly, Dawson, Carlson, Campbell, Scott, Maus, and Stanbery

238. Plaintiff hereby incorporates each of the allegations of this Complaint as if fully set forth herein, and further alleges as follows:
239. The foregoing acts and omissions by the Defendants constitute a violation of Lawrence's rights under the Montana Constitution.
240. These rights include the right to be free from unlawful seizures under Article II, Section 11 and to due process of law under Article II, Section 17.
241. Lawrence also enjoys certain un-enumerated rights including the right to a fair trial, the right to be free a reckless investigation, the right to be free from a wrongful conviction, the right to be free of the use of fabricated evidence, the right to have exculpatory evidence transmitted to law enforcement authorities, and the right to be released upon proof of actual innocence.
242. As a direct and proximate result of the Defendants' actions, Lawrence was wrongly arrested, detained, charged with murder, prosecuted, convicted, sentenced to two terms of life in prison and a concurrent 40 years, incarcerated for over 23 years, and suffered the other grievous injuries and damages set forth above.

WHEREFORE, Plaintiff prays for the following relief:

- A. Judgment in his favor against all Defendants;
- B. Compensatory damages against all Defendants in an amount to be determined at trial;
- C. Punitive damages as permitted by law;
- D. An award of attorneys' fees and costs pursuant to 28 U.S.C. § 1988;
- E. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury on all issues so triable.

DATED this 26th day of August, 2019.

/s/ James G. Hunt

JAMES G. HUNT, HUNT & FOX, PLLP