

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRENDA JONES,

Plaintiff,

vs.

Case No. 19-cv-699

BRENT YORK, AS-OF-YET UNKNOWN  
EMPLOYEES OF THE ADAMS COUNTY  
SHERIFF'S DEPARTMENT,  
ADAMS COUNTY SHERIFF'S  
DEPARTMENT,

Defendants.

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**COMPLAINT**

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Now comes Plaintiff, Brenda Jones, by and through her attorneys, Davey & Goldman, and as and for her complaint alleges and shows the court as follows:

**INTRODUCTION**

1. Brenda Jones was wrongfully convicted of an arson she did not commit. Her house burned down, destroying all of her worldly possession when she was 51 years old, suffering from cancer, legally disabled, and with disability as her sole source of income. The then middle-aged woman was forced to defend herself in a court of law, falsely accused and labeled an arsonist in the small Town of Quincy, Wisconsin, with a population of less than 1,200 people.

2. In violation of her rights to due process of law, the Defendants caused Ms. Jones to be charged with arson, and to stand trial for a crime she did not commit, to be

convicted of the crime, and sentenced to incarceration and supervision for nearly a decade. Additionally, Defendant York withheld exculpatory evidence and lied in his trial testimony contributing to Jones' conviction, and violated Jones' rights to *Brady* material.

3. Ms. Jones has since been completely exonerated through phone records, police and fire investigation reports, and other evidence. The State has dismissed all charges against Ms. Jones in the face of overwhelming evidence of her innocence. The order dismissing all charges against Ms. Jones was entered on November 12, 2018.

4. Ms. Jones, a quiet and gentle woman, must now attempt to resume her life without her beloved home and reestablish her good name. This lawsuit seeks redress for her injuries.

#### **JURISDICTION AND VENUE**

5. This action is brought pursuant to redress the deprivation of Plaintiff's rights.

6. This Court has jurisdiction pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. Venue is proper under 28 U.S.C. § 1391(b). The events giving rise to this complaint occurred in this judicial district.

#### **THE PARTIES**

8. Brenda Jones is a 56-year-old resident of 1208 Lee Street, Lot 88, Leesburg, Florida. At the time of the incidents in this matter Ms. Jones lived in Friendship, Wisconsin and was finishing her bachelor's degree at Lakeland College for

accounting. Before the fire which leveled her home and for which she was charged with arson, Ms. Jones lived in her home from 2005 to 2013, paid her mortgage and insurance fees in a timely manner, partially re-roofed the residence, and undertook numerous projects to improve her home. At the time of the fire Ms. Jones had little experience with the criminal justice system having no criminal record whatsoever.

9. Upon information and belief Brent York along with as-of-yet unknown Defendants (hereinafter “Defendant Officers”), are current or former police officers with the Adams County Sheriff’s Department. Each of the Defendant Officers is sued in his/her individual capacity, and each acted under color of law and in the scope of his/her employment in engaging in the actions alleged in this Complaint. York currently is the Sheriff of Adams County and at the time of the incidents in this matter was an investigator with the Adams County Sheriff’s Department and is being sued in his individual capacity as he acted under color of law and within the scope of his employment when he engaged in the actions alleged in this complaint.

10. Defendant, Adams County is a municipal corporation, authorized under and created by the laws of the State of Wisconsin. It is authorized by law to maintain and operate a Sheriff’s Department. Through its agents, supervisors, operating officers, Council, Departments, Commissions, Boards and Committees, its high-level policy makers, Defendant Adams County Sheriff’s Department establishes, promulgates and implements policies, with regard to hiring, training, supervision and discipline of the employees, officers and agents of the Department.

11. Defendant Brent York is, and at all times herein was an employee of the Defendant Adams County Sheriff’s Department, acting under color of law and his

authority as deputy police officers, investigator, employee, and servant pursuant to the municipal customs, policies and practices of Defendant Adams County, acting through the Adams County Sheriff's Department.

12. At all times relevant herein, each of the individual defendants violated rights clearly established under the Constitution of the United States, in particular under the Fourth and Fourteenth Amendments, of which reasonable police officers and/or police supervisors acting under their respective circumstances would have known. Additionally, all defendants engaged in conducting the investigation that led to Ms. Jones' wrongful conviction, were serving a public function and/or was given the authority by the Defendant Officers to identify whether the fire was accidental or intentional.

#### **THE FIRE**

13. Early in the morning on February 17, 2013, the Quincy Fire Department responded to 2043 French St., Quincy, Wisconsin, Ms. Jones' former home, in response to a neighbor's call of a fire at Ms. Jones' home. When the Quincy Fire Department arrived the house was completely engulfed in flames and almost completely burned to the ground.

14. The Quincy Fire Department contacted the Adams Sheriff's Department to come and investigate the fire. Upon reaching the residence, the home was fully engulfed in flames with fire and with rescue squads remaining on the site solely for damage control.

15. When it was safe to begin investigating the cause of the fire, it was determined to be electrical in nature by fire investigators. The area Fire Marshall testified at trial that there was no way to determine how the fire started.

16. Ms. Jones had been home to do laundry and was scheduled to meet with an electrician at 6 p.m. But the electrician never showed up.

17. In the evening / night Ms. Jones left her home and travelled to her sister Ellen Anderson's home in Reedsburg. After she returned to her sister's home, she received a phone call from the sheriff's office, stating her home had burned.

18. Investigator Laudert, trained in arson investigation, was unable to determine the origin or cause of the fire. He did not find any accelerants, burn degree, or burn patterns.

19. Rural Mutual Insurance Company completed an Insurance Claim Report concluding, "The fire was electrical in nature. The insured had noticed some flickering of lights and was in the process of having it checked." "The burn is so hard it is impossible to find exact cause. The fire is not suspect." And, Rich Pohlod of Rural Mutual, the claims adjustor, had no reason to suspect any other origin or cause of the fire beyond electrical malfunction.

20. Ms. Jones' acquaintance Alan Onopa had an argument with Ms. Jones on March 3, 2013 and threatened her if she did not pay him some of the insurance proceeds for the fire. He also grabbed her neck during the altercation.

21. Ms. Jones' reported this incident within 24 hours to the Marshfield police department, Officer Caleb Bornbach, on March 4, 2013 at 7:00 p.m.

22. Ms. Jones' also reported this incident to Rural Mutual and warned them that Onopa may call and lie to them about the fire.

23. Shortly after doing so, Onopa called Rural Mutual to falsely report Jones' confessed to starting the fire in her home. Rural Mutual then called Investigator York to report the contact with Onopa.

24. Rural Mutual had previously sent a check to Ms. Jones for the damage caused by the fire but subsequently requested she return the check uncashed after speaking with Defendant Investigator York.

#### **POLICE INVESTIGATION**

25. On March 28, 2013, Jones called Marshfield Police Department, Officer Bornbach again, indicating that when Onopa threatened her at the hotel on March 3, 2013, he also grabbed her by the neck but did not choke her.

26. Unbeknownst to Ms. Jones, Officer Bornbach then contacted Investigator York.

27. Meanwhile, when Ms. Jones did not pay Onopa in response to his attempt to extort her, he contacted Rural Mutual asserting he had a recording of Ms. Jones admitting she set the fire. In response Adjustor Pohlod contacted Defendant Investigator York who had been investigating the fire.

28. York contacted Jones and she reported to him that Onopa had been threatening her to extort money, that he left threatening voice mails on her phone which she shared with York. York had Jones call Onopa and recorded the call, listening to it as it occurred. During that call Onopa again threatened Ms. Jones with extortion.

29. York testified at the arson trial that during that call between Jones and Onopa, Onopa demanded money from Jones in exchange for property that he claimed was in her garage and destroyed by the fire. York also “lost” the recording of the call prior to trial and never turned over a copy of the call to the prosecutor or Ms. Jones’ defense attorney.

30. York heard Onopa threaten to take his recording of Jones to the insurance company unless Jones paid him \$3,500, meaning York witnessed Onopa’s attempted extortion and had recorded the conversation. But York did not pursue Onopa’s crime any further.

31. During the investigation, Jones told York that Onopa came to her hotel room in Marshfield on March 3, 2013, argued with her, and that Onopa grabbed her by the throat and made threats against her as he wanted some of her insurance money. Jones told York that she called Marshfield police and spoke with Officer Bornbach to report this conduct.

32. Unbeknownst to Plaintiff Jones, Defendant Investigator York called Marshfield police officer Bornbach and confirmed the complaint Jones made. Also unbeknownst to Jones, Officer Bornbach wrote a report about the initial complaint and reviewed it with York during the phone call.

33. Marshfield Police Officer Bornbach also wrote a report about his conversations with Adams County Sheriff’s Department Investigator York.

34. Defendant Investigator York never obtained Bornbach’s police reports, never told the Adams County District Attorney’s Office about his contacts with

Bornbach, never memorialized his Bornbach contacts in a reports, and omitted this exculpatory evidence from the arson prosecution file completely.

35. At trial, Defendant Investigator York falsely testified by asserting that Jones never told him that Onopa physically attacked her. York testified he recalled threats and a claim that Onopa stole Jones's property but asserted nothing physical occurred.

36. Upon further questioning at trial, York lied again when he acknowledged speaking with Officer Bornbach on March 21, 2013, but he denied Bornbach mentioning any claims of violence by Onopa toward Ms. Jones.

37. The prosecutor asked York at trial specifically, "And have you ever heard anything in terms of this physical altercation that apparently has been stated?" to which York answered, "No".

38. York's testimony was a lie and his assertions to the prosecutor in preparation for trial were lies, as once the Bornbach police reports came to light the ADA reopened and dismissed all charges against Ms. Jones.

39. Officer Bornbach's report of his phone call with Officer York on March 21, 2013 indicates, "Investigator York stated that Brenda had also told him that Alan had grabbed onto her neck and stated that she needed to give him insurance money or he was going to report that she started the fire."

40. York testified falsely at trial again when he asserted Jones told him about what she'd reported on March 3<sup>rd</sup> to Bornbach and acknowledged she had not told Bornbach about Onopa grabbing her by the neck. This too was a lie as officer

Bornbach's report from March 28<sup>th</sup> documented Jones' allegation that Onopa grabbed her neck during the argument on March 3, 2013.

41. Investigator York never memorialized in a police report his contacts with Marshfield Police Officer Caleb Bornbach and never provided the District Attorney's Office with Bornbach's police reports.

42. During the investigation York communicated with Onopa's probation agent.

43. York also communicated with Onopa and recorded one such communication at the jail.

44. During the course of the investigation York learned of Onopa's written statement to his probation agent regarding the March 3, 2013 argument with Ms. Jones and knew that Onopa's claim of when he recorded Jones' confession to arson occurred after Onopa told the insurance company Jones confessed to arson. But, he hid this detail and did not report it or provide it to the District Attorney's office.

45. York also knew Onopa admitted being in the hotel with Jones on March 3, 2013, arguing with her, but denied putting his hand on her neck.

46. Onopa asserted to York that Jones came to Arlington Heights, Illinois to see Onopa on March 15, 2013 and that is when he allegedly recorded her confession to arson.

47. York knew this timeline couldn't be correct as Onopa contacted Pohlod of Rural Mutual insurance asserting he already had a recorded confession from Jones eight (8) days before he allegedly recorded Jones' confession to arson.

48. This is important because York knew Onopa contacted Pohlod claiming to have a recording of Jones' confession 8 days before he allegedly recorded the confession. This wasn't just a mistake of dates on Onopa's part as he wrote in his probation statement that the recording took place about 11 days after the March 3<sup>rd</sup> incident which he identified by date.

49. York never obtained Bornbach's police reports to provide them to the Adams County District Attorney's office in compliance with a state's obligation to provide all *Brady* evidence.

50. York did not obtain these reports because he knew they were favorable to Ms. Jones' defense as they documented Ms. Jones' report of Onopa demanding that Jones pay her insurance money, or he'll falsely report she set the fire before Onopa contacted Rural Mutual. It documented Jones contacting both Bornbach and Investigator York and reporting Onopa had grabbed her by the throat while threatening her. Further, it documented York's discussions with Bornbach, as well as their contacting Onopa's Department of Corrections Probation agent. Police are agents of the State, information in the possession of law enforcement may be imputed to the prosecutor. *See State v. Delao*, 2002 WI 49, 252 Wis. 2d 289, 643 N.W.2d 480. *Newsome v. McCabe*, 256 F.3d 747, 752 (7<sup>th</sup> Cir. 2001) *citing* *Jean v. Collins*, 221 F.3d 656 (4<sup>th</sup> Cir. 2000) (en banc) (all 12 judges concluded that police who deliberately withhold exculpatory evidence, and thus prevent the prosecutors from complying with *Brady* violate the due process clause.) Fabricated evidence is an affront to due process of law, and state actors seeking to frame citizens undermine fundamental fairness and are responsible for "corruption of the truth-seeking function of the trial process." *United States v. Agurs*, 427 U.S. 97, 104, 96 S. Ct. 2392, 49

L. Ed. 2d 342 (1976); see Napue v. People of Ill., 360 U.S. 264, 269, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959) (acknowledging the principle that state actors "may not knowingly use false evidence . . . [is] implicit in any concept of ordered liberty"). The Supreme Court has explained that section 1983 is intended "to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails." Wyatt v. Cole, 504 U.S. 158, 161, 112 S. Ct. 1827, 118 L. Ed. 2d 504 (1992).

51. York also knew Onopa's probation agent put a hold on him in response to the allegation that he threatened Jones and assaulted her, he put his hands around Jones' neck.

52. By the time of trial York knew all of these facts but failed to turn this evidence over to the prosecutor and thus to the defendant, Ms. Jones.

53. York further testified at trial to a jury that he was sure the whispering inaudible voice on the alleged taped confession to Onopa was Jones' voice.

54. York's false testimony positively identifying Ms. Jones's voice on this recording contributed to her conviction.

55. York's failure to provide all of the above-mentioned Brady evidence contributed to Ms. Jones' conviction.

56. On May 6, 2016, Ms. Jones was convicted of arson due to Investigator York's deliberate withholding of exculpatory evidence and his false testimony. Fabricated testimony is not protected by qualified or absolute immunity. See Avery v. City of Milwaukee, 847 F.3d 433 (2017) (citing Buckley v. Fitzsimmons, 509 U.S. 259, 274, 113 S. Ct. 2606 (1993) Judge Sykes of the Seventh Circuit concluded in Avery

“[w]hen the detectives falsified their reports of a nonexistent confession, it was entirely foreseeable that this fabricated “evidence” would be used to convict Avery at trial for Griffin’s murder.” Id., 847 F.3d 433, 443.

57. Ms. Jones was incarcerated in jail due to her conviction for arson.

58. Ms. Jones appealed her conviction and when the above-stated documents and evidence came to light, the assistant district attorney agreed to reopen and dismiss the charges against Ms. Jones. Specifically, on October 5, 2018 the state conceded Jones’ post-conviction motion which was based in-part on the *Brady* violations of Investigator York. Ms. Jones motion seeking a new trial was granted on October 8, 2018. The order dismissing all charges against Ms. Jones was entered on November 12, 2018.

59. Ms. Jones’ name, charges, and conviction are still present on various public websites which affect her reputation and potential part time job prospects that accommodate her disability.

#### **MS. JONES’ TRIAL**

60. Ms. Jones had a two-day trial, after which she was found guilty of arson for the fire that destroyed her home. The only evidence offered to convict Ms. Jones was the manipulated evidence supplied by Investigator York that the fire was the result of arson and not an accident; and the hiding of exculpatory evidence by Investigator York.

61. Ms. Jones testified at trial protesting her innocence and describing her whereabouts. Although she also called witnesses to corroborate her theory of defense, Ms. Jones was convicted and sentenced based solely on the manipulated evidence of Investigator York.

### **MS. JONES' DAMAGES**

62. Ms. Jones spent time in jail for a crime she did not commit. Ms. Jones must now attempt to make a life for herself outside of jail and repair her prior unblemished reputation.

63. Additionally, the emotional pain and suffering caused by losing time in jail, and fighting these charges has been substantial. During Ms. Jones; time incarcerated she was stripped of the pleasures of basic human experience, which all free people enjoy as a matter of right.

64. As a result, Ms. Jones has suffered tremendous damage, including emotional distress, physical suffering and financial loss.

### **COUNT I – 42 U.S.C. § 1983**

#### **DUE PROCESS**

65. Each of the paragraphs of this Complaint is incorporated as if restated fully herein.

66. As described more fully above, all of the Individual Defendants, while acting individually, jointly and in conspiracy, as well as under color of law and within the scope of their employment, deprived Ms. Jones of her constitutional right to a fair trial.

67. In the manner described more fully above, the Individual Defendants deliberately withheld exculpatory evidence, as well as fabricated false reports and other evidence, thereby misleading and misdirecting the criminal prosecution. Absent the totality of this misconduct, the prosecution of Ms. Jones could not and would not have been pursued.

68. The Individual Defendants' misconduct directly resulted in the unjust criminal conviction of Ms. Jones, thereby denying her of her constitutional right to a fair trial in violation of the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

69. As a result of this violation of her constitutional right to a fair trial, Ms. Jones suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

70. The Defendant Officers' misconduct, as described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Ms. Jones's constitutional rights.

71. The misconduct described in this County was undertaken pursuant to the policy and practice of the Adams County Sheriff's Department to pursue wrongful convictions through profoundly flawed investigations and coerced evidence. In this way, the Defendant Adams County Sheriff's Office violated Ms. Jones' rights by maintaining policies and practices that were the moving force driving the foregoing constitutional violations.

72. These widespread practices, so well-settled as to constitute *de facto* policy in the Adams County Sheriff's Department, were able to exist and thrive because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it.

73. The widespread practices described in the preceding paragraphs were allowed to flourish because the City declined to implement sufficient training and/or any legitimate mechanism for oversight or punishment.

**COUNT II – 42 U.S.C. § 1983**

**CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS**

74. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

75. After the fire at issue, the Individual Defendants reached an agreement amongst themselves to frame Ms. Jones for the crime, and to thereby deprive her of her constitutional rights, all as described in the various Paragraphs of this Complaint.

76. Independently, before and after Ms. Jones' conviction, each of the Individual Defendants further conspired, and continues to conspire, to deprive Ms. Jones of exculpatory materials to which she was lawfully entitled and which would have led to her more timely exoneration of the false charges as described in the various Paragraphs of this Complaint.

77. In this manner, the Individual Defendants, acting in concert with other unknown co-conspirators, including persons who are not members of the Adams County Sheriff's Department, have conspired by concerted action to accomplish an unlawful purpose by an unlawful means.

78. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.

79. As a direct and proximate result of the illicit prior agreement referenced above, Ms. Jones' rights were violated, and she suffered financial damages, as well as severe emotional distress and anguish, as is more fully alleged above.

80. The defendant Officers' misconduct, as described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Ms. Jones' constitutional rights.

81. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Adams County Sheriff's Department in the manner described more fully in preceding paragraphs and was tacitly ratified by policymakers for the Defendant Adams County Sheriff's Department with final policymaking authority.

82. As a result of this violation, Ms. Jones suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

#### **COUNT IV – 42 U.S.C. § 1983**

##### **SUPERVISOR LIABILITY**

83. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

84. The constitutional injuries complained of herein were proximately caused by a pattern and practice of misconduct, which occurred with the knowledge and consent of those of the Defendant officers who acted in a supervisory capacity, such that these officers personally knew about, facilitated, approved, and/or condoned this pattern and practice of misconduct, or at least recklessly caused the alleged deprivation by their actions or by their deliberately indifferent failure to act.

85. The misconduct described in this count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

86. The misconduct described in this Count was undertaken pursuant to the Adams County Sheriff's Department policy and practice in the manner more fully described above.

87. As a result of this violation, Ms. Jones suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

**COUNT V – STATE LAW CLAIM**

**INTENTIONAL MISREPRESENTATION**

88. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

89. Defendant York, and other unknown Defendant Officers of the Adams County Sheriff's Department made representations to the police and/or prosecution that Ms. Jones' committed arson, that she confessed to arson, and that the evidence supported arson over an accidental fire.

90. Defendant York's and unknown Defendant Officers' statements were not true, but the police and/or prosecution relied on them nevertheless to prosecute and convict Ms. Jones of arson.

91. Defendant York and unknown defendant Officers knew that their statements regarding the alleged cause of the fire were untrue and/or they were reckless in making these representations.

92. In addition, in making these representations, Defendant York and other unknown Defendant Officers intended to deceive the police and/or prosecution.

93. As a result of these misrepresentations, Ms. Jones suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

**COUNT VI – STATE LAW CLAIM**

**NEGLIGENT MISREPRESENTATION**

94. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

95. As described more fully above, Defendant York and unknown Defendant Officers made representations to the police and/or prosecution that Ms. Jones was the perpetrator of a crime exclusive of all other suspects and exclusive of evidence of an electrical fire.

96. Defendant York and unknown Defendant Officers' statements were not true, but the prosecution relied on them nevertheless to prosecute and convict Ms. Jones of arson.

97. As a result of these misrepresentations, Ms. Jones suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

**COUNT VII – STATE LAW CLAIM**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

98. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

99. In the manner described more fully above, by manipulating the evidence to inculcate Ms. Jones, Defendant York and other unknown Defendant Officers caused Ms. Jones severe emotional distress.

100. In doing so, Defendant York and other unknown Defendant Officers' conduct fell below the applicable standard of care and was the cause-in-fact of Ms. Jones' injuries.

101. As a result of Defendant York and other unknown Defendant Officers' conduct, Ms. Jones suffered injuries, including severe emotional distress, as is more fully alleged above.

**COUNT VIII – STATE LAW CLAIM**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

102. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

103. In the manner described more fully above, by wrongfully inculcating Ms. Jones in a crime she did not commit, Defendant York and unknown Defendant Officers intended to cause emotional distress.

104. In doing so, Defendant York and unknown Defendant Officers conduct was extreme and outrageous and caused Ms. Jones severe, disabling emotional distress.

105. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

106. As a result of this misconduct, Ms. Jones sustained injuries, including emotional pain and suffering, as is more fully alleged above.

**COUNT IX – STATE LAW CLAIM**

**MALICIOUS PROSECUTION**

107. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

108. Defendant York and unknown Defendant Officers caused Ms. Jones to be improperly subjected to judicial proceedings for which there was no legitimate probable cause. These judicial proceedings were instituted and continued maliciously, resulting in

injury, and all such proceedings were ultimately terminated in Ms. Jones' favor in a manner indicative of innocence.

109. Defendants accused Ms. Jones of criminal activities knowing those accusations to be without genuine probable cause, and made statements to the police and/or prosecutors with the intent of exerting influence to institute and continue the judicial proceedings.

110. Defendants also fabricated evidence and withheld the manner in which that evidence was fabricated.

111. Defendants also destroyed exculpatory evidence including taped conversations between Onopa and Ms. Jones, and Onopa and York.

112. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

113. As a result of this misconduct, Ms. Jones sustained injuries, including emotional pain and suffering, as more fully alleged above.

#### **COUNT X – STATE LAW CLAIM**

##### **INDEMNIFICATION**

114. Each of the paragraphs of this Complaint is incorporated as if restated fully herein.

115. Wisconsin law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

116. The Defendant Officers are or were employees of the Adams County Sheriff's Department and acted within the scope of their employment in committing the misconduct described herein.

**WHEREFORE**, Ms. Jones respectfully requests that this Court enter judgment in her favor and against the Defendants and award compensatory damages, costs and attorney's fees, along with punitive damages against each of the Individual Defendants in their individual capacities along with whatever additional relief this Court deems appropriate. Ms. Jones also demands expungement of the conviction off of CCAP.

**JURY DEMAND**

Plaintiff, Brenda Jones, hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38(b) on all issues so triable.

Dated: August 28, 2019

DAVEY & GOLDMAN

/s/ Lisa C. Goldman \_\_\_\_\_

Lisa C. Goldman

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