

CJ-2020-828

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

Andrews

IN THE DISTRICT COURT OF OKLAHOMA COUNTY FEB 12 2020
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

30 _____

CODY GREGG,)
)
Plaintiff,)
)
v.)
)
THE CITY OF OKLAHOMA CITY,)
)
Defendant.)

CJ - 2020 - 828

Case No. CJ-2020-

Attorney Lien Claimed

PETITION

Plaintiff, Cody Gregg ("Plaintiff"), for his Petition against Defendant, The City of Oklahoma City ("Defendant"), alleges and states as follows:

PARTIES, JURISDICTION & VENUE

1. Plaintiff is an individual residing in Oklahoma County, Oklahoma.
2. Defendant's principle place of business is in Oklahoma County, Oklahoma.
3. The facts and circumstance described in this Petition occurred in Oklahoma County, Oklahoma.
4. Plaintiff provided a Notice of Claim (the "Claim") to Defendant on or about October 23, 2019.
5. Defendant did not respond to Plaintiff's Claim within the requisite ninety (90) days. Therefore, Plaintiff's Claim is deemed denied and he is authorized to commence the instant action against Defendant.
6. Jurisdiction and venue are proper in Oklahoma County, Oklahoma.

FACTUAL ALLEGATIONS

7. Plaintiff was arrested/cited by the Oklahoma City Police Department (“OCPD”) on August 12, 2019, for felony trafficking in illegal drugs – cocaine, misdemeanor interfering with official process and a misdemeanor bicycle equipment violation.
8. Plaintiff repeatedly told OCPD officers that the “cocaine” on his person was actually powdered milk.
9. However, OCPD Officer Klayton Adams supposedly believed the powdered milk was cocaine based on his “training and experience” and after a “field test” which allegedly returned a positive result for cocaine.
10. Officer Adams was acting within the course and scope of his employment, in good faith, during this incident. Consequently, Defendant is responsible for his wrongful actions.
11. Officer Adams had a duty to not arrest Plaintiff for the “cocaine” charge when it was actually powdered milk and he was negligent in doing so.
12. Plaintiff was subsequently incarcerated at the Oklahoma County Jail.
13. Plaintiff was charged in the Municipal Court of the City of Oklahoma City with the two misdemeanor offenses. These charges were later dismissed.
14. Plaintiff was charged in Oklahoma County Case No. CF-2019-3541 with felony trafficking in illegal drugs – cocaine.
15. Plaintiff’s felony charge was later amended to possession of CDS with intent to distribute – cocaine to which he pled guilty to and was convicted of on October 8, 2019.
16. Plaintiff was sentenced to 15 years’ incarceration with the Oklahoma Department of Corrections.

17. Plaintiff only reluctantly pled guilty to the false charge so he could get out of the horrid conditions present in Oklahoma County Jail.
18. On October 10, 2019, after a lab test of the powdered milk returned a negative result for cocaine, Plaintiff withdrew his guilty plea and on October 11, 2019, his case was dismissed.
19. Plaintiff unnecessarily spent approximately two months in jail for an offense he did not commit based on Officer Adams' sub-par "training and experience," Defendant's negligent training, supervision and retention of Officer Adams and other OCPD officers.
20. Furthermore, field tests, such as the one used to test the powdered milk, are notoriously unreliable and frequently return false positives for drugs which are not actually present. To rely on such tests is, at the very least, negligent.

COUNT I: NEGLIGENCE

Plaintiff incorporates by reference Paragraphs 1 through 20 above and further alleges the following:

21. Plaintiff sustained injury by being wrongfully arrested for the cocaine charge resulting in Plaintiff unnecessarily spending approximately two months in Oklahoma County Jail.
22. The following is a non-exhaustive list of Defendant's negligent actions and omissions:
 - a. Officer Adams and/or other OCPD officers were negligent for arresting Plaintiff for the cocaine charge for which Defendant is liable;
 - b. Defendant was negligent in its training, supervision and retention of Officer Adams and other OCPD officers present during Plaintiff's arrest; and
 - c. Defendant was negligent in its use of the "field test" that resulted in Plaintiff's powdered milk falsely testing positive for cocaine.

23. Such negligence was a direct cause of the injury sustained by Plaintiff.

24. Plaintiff was damaged in an amount in excess of \$75,000.00 due to Defendant's negligence.


RELIEF REQUESTED

For the relief requested against Defendant, Plaintiff adopts and incorporates Paragraphs 1 through 24 above as if set forth in full and further alleges and states:

As a direct result of Defendant's negligence, Plaintiff has sustained actual damages in an amount in excess of \$75,000.00. Plaintiff is, therefore, entitled to judgment against Defendant based upon its negligence.

WHEREFORE, Plaintiff Cody Gregg requests the Court grant judgment against Defendant, The City of Oklahoma City, for compensatory damages in an amount in excess of \$75,000.00, together with an award of pre-judgment interest, post-judgment interest, costs, attorney's fees and all other relief the Court deems just and equitable. Further, with regard to the damages and the claims for recovery asserted herein, Plaintiff reserves the right to amend this Petition and seek any and all further relief or theories of recovery, at law or in equity, to which Plaintiff may be entitled against Defendant or any other persons or entities.

Respectfully submitted,



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