

United States District Court
for the
District of South Carolina
Greenville Division

Carolyn Anderson, Duly Appointed Guardian)	
Ad Litem for Tario Eugene Anderson, and in)	
her Individual Capacity,)	
Plaintiff,)	
)	Civil Action No. _____
v.)	
)	
The City of Greenville, the City of Greenville)	
Police Department, Ken Miller, in his Individual)	
Capacity and Official Capacity as Chief of the)	
Greenville City Police Department, Ryan Weeks)	
and Anthony Collier, in their Individual and)	
Official Capacity as Police Officers of the City)	
Of Greenville, and John Doe, representing an)	
Officer/Officers who will be specifically named)	
later once their Identities are known after)	
discovery is completed,)	
Defendants.)	

PLAINTIFF’S ORIGINAL COMPLAINT

I.

JURISDICTION

Jurisdiction of this Court is invoked pursuant to 28 U.S.C., Sections 1331 and 1343, and 28 U.S.C., Secs. 2201 and 2202 and the Pendent Jurisdiction of this Court. This is a suit instituted pursuant to 42 U.S.C., Sec 1983 providing for the equal rights of all persons in every State and territory within the jurisdiction of the United States. The jurisdiction of this Court is further invoked to secure protection and to redress deprivation of rights secured by the Due Process Clause of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C., Sec 1983. The amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

II.

NATURE OF PROCEEDING

This is an action for a determination of appropriate monetary damages on behalf of the Plaintiff, Tario Eugene Anderson, a black 34 year old Autistic male, who was racially profiled, illegally arrested, and subject to unnecessary, excessive force by the City of Greenville Police Department. The Plaintiff further seeks to enjoin the defendants from discriminating on the basis of race and from violating his Fourteenth Amendment rights under the U.S. Constitution against the Plaintiff, which have been in violation of Federal law and the laws and constitutional provisions of the State of South Carolina.

This is also an action for a determination of appropriate monetary damages on behalf of the Plaintiff, Carolyn Anderson, for intentional infliction of emotional distress and slander/defamation.

III.

PARTIES

(A) Plaintiff, Tario Eugene Anderson, is an 34 year old adult Autistic male citizen and resident of the United States residing at the time hereinafter set forth in Greenville County, State of South Carolina.

(B) Plaintiff, Carolyn Anderson, is the mother of the Plaintiff, Tario Anderson. She is an adult, black, female citizen and resident of the United States residing at time hereinafter set forth in Greenville County, State of South Carolina. She is over twenty-one (21) years of age.

(C) Defendant, City of Greenville, is a body and politic incorporate of Greenville County, South Carolina, and charged by said laws with the operation and Administration of the

police department of the City of Greenville and it may sue and be sued in its name and it is capable of contracting and being contracted with.

(D) Defendant, City of Greenville Police Department, is a body and politic incorporate of Greenville County, South Carolina, and charged by said laws with the operation and Administration of the police department of the City of Greenville and it may sue and be sued in its name and it is capable of contracting and being contracted with.

(E) Defendant, Ken Miller is an adult white citizen of the United States residing in the County of Greenville, State of South Carolina. Defendant Miller is the current Police Chief of the City of Greenville Police Department, and he, is supposedly qualified chief of police of the City of Greenville Police Department at the time of the hereinafter mentioned.

(F) Defendant, Ryan Weeks is an adult white citizen of the United States residing in the County of Greenville, State of South Carolina. Defendant Weeks is a current Police Officer of the City of Greenville Police Department, and he, is supposedly qualified officer of the City of Greenville Police Department at the time of the hereinafter mentioned.

(G) Defendant, Anthony Collier is an adult black citizen of the United States residing in the County of Greenville, State of South Carolina. Defendant Weeks is a current Police Officer of the City of Greenville Police Department, and he, is supposedly qualified officer of the City of Greenville Police Department at the time of the hereinafter mentioned.

(H) Defendant, John Doe is an adult citizen of the United States residing in the County of Greenville, State of South Carolina. Defendant Doe is/was an officer of the City of Greenville Police Department, at the time of the hereinafter mentioned.

IV.

FACTS

1. That on the evening of December 24, 2014 Carolyn Anderson, mother of Tario Eugene Anderson was alerted that the Defendants were outside beating and tasing her son, a thirty-four year old, autistic, black male. Upon going outside, Carolyn Anderson saw her son at the end of the Anderson residence with Tario Anderson attempting to crawl to the front door of the home.

2. That Carolyn Anderson witnessed what appeared to be the police tasing Tario Anderson numerous times, over and over, with him hollering out every minute or so. It also seemed as if the officers were attempting to hog-tie her son by placing plastic ties around his ankles.

3. That during his continued interaction with police, Tario Anderson continued to yell for help while the Defendants' officers kept holding on to Tario Anderson and pressing down on him.

4. That when Carolyn Anderson originally went out side, she expressed to the officers numerous times that her son, Tario Anderson, was autistic and he was unable to understand what was going on. Not only was Carolyn Anderson relaying to the police the fact that Tario Anderson was unable to mentally comprehend what was happening, but the neighbors were attempting to as well. The more the crowd was trying to convey this information to the officers, the more the officers appeared to tase Tario Anderson.

5. That throughout the entire ordeal, the crowd of onlookers continued to tell police that Tario Anderson was autistic. The officers continued to hold Tario Anderson even though they knew, or should have known, something was wrong.

6. That, during her son's interaction with the police that night, Carolyn Anderson questioned the officers numerous times to understand why her son was being mistreated and brutalized. Instead of an answer being provided, Carolyn Anderson was told to stand back while her autistic son kept calling for her and asking for help. Carolyn Anderson even asked the police officers several times if they could pull up Tario's pants but that too was not allowed.

7. That Carolyn Anderson continued to request that the police to please leave her son alone because he did not understand what was occurring. However, no officers would answer her questions.

8. That since she was getting no answers, Carolyn Anderson continued to request that the officers cease tasing her son. Tario Anderson even reached out his hand to Carolyn Anderson but she was swiftly told by an Officer Weeks and other officers to "get back or you will get what he is getting." However, Carolyn Anderson continued to ask for answers, but none were provided. Tario Anderson was lying on the ground crying when the officers finally conveyed to Carolyn Anderson that her son was under arrest, but would not convey their reasoning or the charge. Carolyn Anderson even took it upon herself to call 911 to try and get some help for Tario Anderson.

9. That due to the ordeal and force applied on and to Tario Anderson, Carolyn Anderson requested that he be taken to the hospital to make sure that he was not injured. Based on information and belief, the Defendants' police officer claimed that they were going to take Tario Anderson to the hospital to see if he was injured. However, he was instead taken to the Greenville County Detention Center.

10. That upon information and belief, the Defendants, jointly and severally, along racial lines, profiled and used unnecessary force on the Plaintiff, Tario Eugene Anderson, an intentional bad faith and unlawful act of the Defendants, jointly and severally.

11. That the Defendants have a practice and policy of racially discriminatory practices and as such the Defendants, jointly and severally, executed said racial discriminatory policy to harass, profile, intimidate, unlawfully arrest, and use unnecessary force on Plaintiff, Tario Eugene Anderson because he is a black male.

12. That the Defendants, jointly and severally, executed said racially discriminatory policy with the intent of inflicting severe emotional distress on the Plaintiffs so as to make the Plaintiffs feel inferior and helpless as black citizens of the City of Greenville.

13. That the Defendants, in violation of State law and its own mandated policy, unnecessarily and unlawfully profiled and used unnecessary force on the Plaintiff, Tario Anderson.

14. That prior to this ordeal, Tario Anderson had a nightly routine between the times of 10:00 – 10:30 PM that he had been performing for twenty (20) years, since he was fourteen (14) years old. Tario Anderson had a set travel pattern that the community was aware of. That as a result of his brutal treatment at the hands of the Defendants, Tario Anderson suffered an injury to his face, elbows, and knees. Also, since this incident Tario Anderson has changed his routine and his sleep pattern has also now changed. Tario Anderson replaced his winding down pattern of twenty (20) years with now flipping through the channels on TV.

15. That during this whole ordeal Carolyn Anderson was crying for what her son was going through. Upon Tario being booked at the Detention Center, Carolyn Anderson remained there until Tario Anderson was released at around 8 AM the next day.

16. That as a result of the facts stated herein, Carolyn Anderson suffered emotional distress during the time in which she and her son were subject to interaction with the Defendants' police department as well as the time she spent at the Detention Center waiting for the release of her son. Moreover, Carolyn Anderson, who is already on high blood pressure medication, has had to endure numerous press conferences, public statements, and the re-acclimation of her son to his everyday routine. During at least one press conference, Chief Ken Miller stated that all taser data from the night of December 24, 2014 was downloaded. However, the City of Greenville Police Department's own Incident Reports from that night, clearly state that not all tasers were turned over for their information to be downloaded.

17. Further, based on information and belief, the Chief of Police for the City of Greenville, Ken Miller, reported Carolyn Anderson to the Greenville County South Carolina Department of Social Services for neglect of her son Tario. She was forced to endure and cooperate in an investigation, which was found to be unfounded.

V.

FOR A FIRST CAUSE OF ACTION

18. Plaintiffs repeat and reallege and incorporate herein as part of this first cause of Action, Paragraphs 1 through 17, inclusive in their entirety and further alleges;

19. That the Defendants' unlawful arrest of Plaintiff Tario Anderson, along racial lines under color of State law was a violation of 42 U.S.C., Sec. 1983 and the law of the State of South Carolina and/or the South Carolina Tort Claims Act due to the fact that 1) the Plaintiff, Tario Anderson was simply walking down the street when he came in contact with the officers, 2) the Defendants not only racially profiled the Defendant Tario Anderson, they also used unnecessary

force while knowing that he was in fact autistic and did not understand what was transpiring and the fact that the Plaintiff was not doing anything unlawfully;

VI.

FOR A SECOND CAUSE OF ACTION

20. Plaintiffs repeat and reallege and incorporate herein as part of this first cause of Action, Paragraphs 1 through 19, inclusive in their entirety and further alleges;

21. That Defendants, along racial lines, violated Plaintiff, Tario Anderson's Fourteenth Amendment Rights to Equal Protection and his Fourth Amendment rights against unlawful arrest and seizure by unlawfully profiling him based on race, unlawfully arresting him though he committed no crime, and using unnecessary force during said arrest, and thereby physically injuring Plaintiff Tario Anderson;

VII.

FOR A THIRD CAUSE OF ACTION

22. Plaintiffs repeat and reallege and incorporate herein as part of this first cause of Action, Paragraphs 1 through 21, inclusive in their entirety and further alleges;

23. That the Defendants, along racial lines, jointly and severally, by unlawfully arresting and using unnecessary force against Plaintiff Tario Anderson, intentionally inflicted emotional harm on the Defendant Carolyn Anderson and slandered her and made her the subject of retaliation by making false accusations against her of neglect to the South Carolina Department of Social Services when she spoke out against the events that transpired against Tario Anderson, as setout herein;

VIII.

DAMAGES

24. That as a result of the Defendants' above cited unlawful actions, the Plaintiff Tario Anderson is entitled to a reasonable amount of damages to be determined by this Court, for Deprivation of Rights, Violation of the Civil Rights Law, Violation of the 14th Amendment (Equal Protection), Racial profiling and use of Unnecessary Force and Violation of the Fourth Amendment and the law of the State of South Carolina and/or the South Carolina Tort Claims Act;

25. That as a result of the Defendant's above cited unlawful actions, the Plaintiff Carolyn Anderson is entitled to a reasonable amount of damages to be determined by this Court, for Intentional Infliction of Emotional Distress and Retaliation and of Slander;

26. That as a result of the Defendants' malicious, wanton and willful acts described above or gross negligence, the Plaintiffs are also entitled to an appropriate amount of punitive damages;

WHEREFORE, Plaintiffs pray this Honorable Court issue an Order granting the following relief:

A. Grant the Plaintiffs a declaratory judgment that the actions of the Defendants, jointly and severally, complained of hereinabove violated the civil Rights of the Plaintiff, Tario Anderson, guaranteed by 42 U.S.C. Sec. 1983 and by the Equal Protection Clause of the United States Constitution and the Fourth Amendment;

B. Grant the Plaintiffs a judgment against the Defendants, jointly and severally, for an amount as deemed appropriate by this Court to include both actual and punitive damages for Racial Profiling, Unnecessary Force, Intentional Infliction of Emotion Distress, and Retaliation;

C. Award the Plaintiffs the costs of this action and attorney fees pursuant to 42 U.S.C. 1988, as amended; and,

D. Grant the Plaintiffs injunctive relief restraining the Defendants from violating the Plaintiffs' Constitutional rights;

E. Grant the Plaintiffs such other and further relief as the Court may deem just and equitable.

Respectfully submitted,

Date: August 11, 2015

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