

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

CHRIS PURVIS, )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 CITY OF ATLANTA., SHERIFF )  
 THEODORE JACKSON *and*, FULTON )  
 COUNTY )  
 )  
 Defendants )

Civil Action File No.  
1:14-CV-03701-AT

**FIRST AMENDED COMPLAINT**

NOW COMES Plaintiff, **CHRIS PURVIS**, and pursuant to the Federal Rules of Civil Procedure 15(a)(1)(B), files this First Amended Complaint, showing the Court as follows:

1.

Defendant **CITY OF ATLANTA** (hereinafter referred to as “Atlanta”) is a Georgia city subject to the jurisdiction of this Court. Atlanta may be served through its its mayor, Kasim Reed, at 55 Trinity Avenue, Atlanta Georgia 30303.

2.

Defendant **FULTON COUNTY** (hereinafter referred to as “Fulton”) is a Georgia county, subject to the jurisdiction of this Court. Fulton may be served through the Chairman of its board of commissioners, John Eaves, at 141 Pryor Street

SW, 10<sup>th</sup> Floor, Atlanta Georgia 30303.

3.

Defendant **Sheriff Theodore Jackson** is the Sheriff of Fulton County and responsible for Fulton County's Sheriff's Department and its policies, procedures, and prisoners. He is subject to the jurisdiction of this court and may be served at the Sheriff's Office at 185 Central Avenue, S.W, Atlanta Georgia 30303.

4.

John Does 1-3 are governmental or individual entities who may be liable to Plaintiff due to their actions or inactions in their official or individual capacities as employees or agents of Defendants.

### **COMMON ALLEGATIONS**

5.

On or about October 26, 2012, Plaintiff was accused of and cited for drinking in public (hereinafter referred to as the "original charge") by a City of Atlanta police officer and was arrested by the City of Atlanta.

6.

Instead of being processed and released, or taken in front of a judicial officer within 72 hours pursuant to O.C.G.A. § 17-4-26 and other provisions of Georgia law, Plaintiff was held by the City of Atlanta for between four and five days, and

then was transferred to the custody of Defendant Fulton or to the Fulton County jail for an additional day.

7.

Plaintiff was told at the time he was being held that, he was held by Atlanta and transferred to Fulton County due to an outstanding warrant from Fulton County.

8.

Plaintiff explained to Defendants multiple times before and after his transfer to Fulton County that he did not have an outstanding warrant, and the charges that led to the alleged warrant had been disposed of weeks prior.

9.

Fulton held Plaintiff for another day, and Plaintiff was released from custody on November 1, 2012. Plaintiff was released from custody due to the alleged warrant being “invalid”, as Plaintiff had maintained.

10.

Defendants, individually and collectively, conspired to hold Plaintiff against his will and, in fact, held Plaintiff against his will and in violation of his Federal Constitutional rights, as well as his rights under the Georgia constitution and State law.

11.

Defendants had a duty to release Plaintiff from custody as soon as he was processed for the original charge.

12.

Defendants held Plaintiff in custody for approximately six days, on a warrant that was invalid.

13.

Plaintiff lost financial opportunities due to his unlawful detention, as well as suffered general damages, pain, and distress.

14.

Plaintiff has complied with all applicable ante-litem notice requirements.

**NEGLIGENCE AND TORT**

15.

Plaintiff incorporates allegations from paragraphs 1-14 above.

16.

Defendants, and their agents and employees, had a ministerial, mandatory duty to maintain accurate records regarding outstanding warrants and to only arrest or detain people who had valid warrants, issued by a judge, calling for their arrest.

17.

Defendants, and their agents and employees, have a duty to adopt policies, training, and procedures that protect citizens' Constitutional rights, and to ensure that their employees and agents do the same.

18.

Defendants, and their agents and employees, have a duty to follow Georgia and Federal law, including O.C.G.A. § 17-4-26 and other code sections, which require Defendants, in part, to maintain accurate records of who should be arrested or detained, and which require Defendants to only hold people under valid process, and to release people who are detained promptly.

19.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by adopting policies and procedures that allow people to be held on warrants based on charges that have already been dismissed or disposed of.

20.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by adopting policies and procedures that fail to adequately protect citizens' rights to due process under Federal and State Law.

21.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by failing to train and supervise employees and other agents in a manner that ensured Plaintiff's rights were protected.

22.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by holding him on the original charge without timely bringing him before a magistrate.

23.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by failing to release him as soon as he was processed for the original charge, and holding him longer and transferring him to Fulton County.

24.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by failing to update Plaintiff's electronic records to note that the "invalid warrant" he was being held on was, in fact, invalid due to it being based on a previous charged disposed of at the end of September in Fulton County.

25.

Each Defendant, and their individual agents and employees under their control, breached their duty to Plaintiff by holding him for approximately 6 days on an invalid warrant.

26.

Each Defendant's actions and inactions caused Plaintiff general and special damages, including significant physical pain and distress, a loss of liberty, and lost money-earning opportunities.

**VIOLATION OF CONSTITUTIONAL RIGHTS**

27.

Plaintiff incorporates allegations from paragraphs 1-26 above.

28.

Each Defendant, through their customs, policies, and practices denoted above, violated Plaintiff's rights and are subject to liability under 42 U.S.C. § 1983, 42 U.S.C. § 1985, and/or 42 U.S.C. § 1986.

29.

By holding Plaintiff on an invalid warrant and past when he should have been released, each Defendant violated Plaintiff's rights under Georgia law and the Georgia and Federal Constitution, including but not limited to the Fourth and

Fourteenth Amendments.

30.

By adopting customs, policies, and practices that hold people in custody on warrants that have already been executed, disposed of, and are no longer valid, Defendants violated Plaintiff's rights and may violate others' rights in the future.

31.

Defendant City of Atlanta has a policy, practice, or custom arising to the level of policy of arresting and detaining people without first checking the validity of warrants.

32.

Defendants each have a policy, practice, or custom arising to the level of a policy of not updating records in their computer systems that lead to people, including Plaintiff, being unlawfully detained, violating their rights to due process and against unlawful seizure.

33.

The unconstitutional policy, practice, or customs arising to the level of a policy described above by the City of Atlanta are solely under the control of the City of Atlanta and its policymakers.

34.

Defendant City of Atlanta's acts of unlawful detention and lack of updating warrant records are frequent, pervasive, and not random or isolated incidents.

35.

The unconstitutional policy, practice, and customs arising to the level of policy described above by Defendant Fulton County are solely under the control of Fulton County and its policymakers.

36.

Defendant Fulton County's acts of unlawful detention and lack of updating warrant records are frequent, pervasive, and not random or isolated incidents.

37.

Each Defendant's policies and procedures were the moving force behind Plaintiff's injuries.

38.

Defendant Jackson, personally, had an obligation according to O.C.G.A § 42-4-7 to keep records to release prisoners on time, knew it was not being done, failed to do so, and his deliberate indifference to that being done correctly directly led to harm to Plaintiff.

39.

Defendant Fulton County had a duty, under O.C.G.A § 35-3-36, O.C.G.A §

42-4-4, O.C.G.A § 42-4-7, O.C.G.A § 35-3-39 and other code sections, to keep accurate records of prisoners incarceration and release dates, and to ensure they are provided with all legal process, and failed to do so in a systemic fashion.

40.

Plaintiff is entitled to attorneys' fees.

**RESPONDEAT SUPERIOR**

41.

Plaintiff incorporates paragraphs 1-40 as if fully incorporated here.

42.

Defendants are jointly and severally responsible for the acts of their agents and employees in the scope of their employment.

**PUNITIVE DAMAGES**

43.

Paragraphs 1-42 are incorporated herein.

44.

The actions of Defendants, as set forth above, show willful misconduct, wantonness and that entire want of care which raises the presumption of a conscious indifference to the consequences of their actions. Accordingly, Plaintiff seeks

punitive damages pursuant to O.C.G.A. § 51-12-5.1 or any other applicable law.

**NO IMMUNITY**

45.

Paragraphs 1-44 are incorporated herein.

46.

Defendant City of Atlanta has waived sovereign immunity to state law claims pursuant to O.C.G.A. § 36-33-1, as Defendant City of Atlanta was neglectful in its ministerial duties, including but not limited to its release of a prisoner.

47.

Alternatively, Defendant City of Atlanta has waived sovereign immunity pursuant to O.C.G.A. § 36-33-1 by purchasing liability insurance to the extent of the limits of such insurance are available.

48.

Defendant Sheriff Jackson has waived sovereign immunity to state law claims as their maintenance of records, and proper release of prisoners are both ministerial duties which they negligently performed and violated Georgia law, pursuant to O.C.G.A § 17-4-26, O.C.G.A. § 15-16-10, O.C.G.A. § 15-16-24, and other code sections.

49.

Each an every Defendant has waived sovereign immunity to state law claims as their maintenance of records, and proper release of prisoners are both ministerial duties which they negligently performed and violated Georgia law, pursuant to O.C.G.A § 35-3-36, O.C.G.A § 42-4-4, O.C.G.A § 42-4-7, O.C.G.A § 35-3-39, and other code sections.

50.

Each Defendant held Plaintiff in custody when he should have been released, and each Defendant had a pervasive pattern and policy of unjustifiably holding inmates when they should have been released, which precludes qualified immunity for each Defendant from federal claims.

**WHEREFORE**, Plaintiff prays:

- (a) That Summons issue requiring Defendants to be and appear in this Court within the time provided by law to answer this Complaint;
- (b) That Plaintiff have a Jury Trial;
- (c) That Plaintiff has Judgment against Defendants for Compensatory Damages and General Damages as provided by law;
- (d) That Plaintiff be awarded Punitive Damages and Attorney's Fees as provided by law;

- (e) That injunctive relief be provided that prevents Defendants from continuing unlawful practices and policies that have people held contrary to law and their Constitutional rights; *and*,
- (f) That Plaintiff have such other additional relief as the Court may consider equitable and/or appropriate given the circumstances of this case.

Respectfully Submitted, this 5th day of December, 2014.

/s/ Jordan Johnson  
Jordan Johnson  
Georgia State Bar No. 673643

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770.670.6206

**CERTIFICATION OF LOCAL RULE 5.1 COMPLIANCE**

I hereby certify that this document complies with the Local Rule 5.1 because the document has been prepared in New Times Roman 14 Point Font.

/s/ Jordan Johnson  
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