

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

EVA ROBINSON; RON ROBINSON;  
and MATTHEW ROBINSON

PLAINTIFFS

v.

Case No. 4:12-CV-577 BSM

STEVEN PAYTON, Individually, and in his  
Official Capacity as Deputy Marshal for the City  
of Dover; KRISTOPHER STEVENS, Individually,  
and in his Official Capacity as a Sergeant for  
the Pope County Sheriff's Department; STEWART  
CONDLEY, Individually, and in his Official Capacity  
as a Corporal for the Arkansas State Police; ROD  
PFEIFER, Individually, and in his Official Capacity  
as the Chief Marshal of the City of Dover  
Marshal's Office; AARON DUVALL, Individually,  
and in his Official Capacity as Sheriff of Pope County;  
THE CITY OF DOVER, ARKANSAS; THE CITY OF  
DOVER MARSHAL'S OFFICE; POPE COUNTY, ARKANSAS;  
and THE POPE COUNTY SHERIFF'S DEPARTMENT

DEFENDANTS

SECOND AMENDED AND SUBSTITUTED COMPLAINT

Comes the Plaintiffs, Eva Robinson, Ron Robinson, and Matthew Robinson, by and  
through their attorneys, James, House & Downing, P.A., and for their Second Amended  
and Substituted Complaint state:

I. INTRODUCTION

1. This is a civil rights Complaint under 42 U.S.C. § 1983 by the Plaintiffs against  
the Defendants as a result of their use of excessive force and other wrongful acts, occurring  
in and around the City of Dover, Arkansas on September 13, 2011 and thereafter.

2. The individual Defendants are sued both in their individual and official  
capacities.

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3. The County and City Defendants are sued as a result of the individual Defendants' actions within the course and scope of their authority, as caused by and/or ratified by the entities.

4. The evening of September 13, 2011 started with Eva Robinson and her son, then 16-year-old Matthew Robinson, walking their dog in front of the church next to their house.

5. They were not engaged in any type of illegal, suspicious, or improper activity. They were just walking their dog.

6. The evening ended with Eva Robinson being arrested and injured and Matthew Robinson being arrested, handcuffed, battered, and tased a minimum of six times by the Defendants.

7. Plaintiff Eva Robinson's claims of excessive force include, but are not limited to, use of excessive force against Eva Robinson to prevent her from stopping the torture by the Defendants of Matthew Robinson through the use of a taser and excessive force, and the torture of Matthew Robinson through the use of a taser and excessive force.

8. Defendants tased and allowed Matthew Robinson to be tased on multiple and continuous occasions with the specific intent of inflicting pain.

9. Defendants' actions were successful and Matthew Robinson suffered great pain with both temporary and permanent injuries, and emotional distress.

10. Also during the process Eva Robinson, Matthew Robinson's mother, suffered temporary and permanent injuries and extreme emotional distress.

## II. JURISDICTION AND VENUE

11. This action is brought against the Defendants pursuant to 42 U.S.C. § 1983 for the deprivation of civil rights secured by the Fourth and Fourteenth Amendments of the United States Constitution, the Arkansas Constitution, and other claims which arise out of state law.

12. Jurisdiction is founded upon 28 U.S.C. § 1331, § 1343(a)(3)(4), and § 1367(a).

13. This Court has jurisdiction over the Plaintiffs' claims of violation of civil rights under 42 U.S.C. § 1983 and pendent jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367(a).

14. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 in that the acts and omissions which give rise to this action occurred within this District and within one year of the filing of this Complaint and this Court otherwise has jurisdiction.

15. This case presents an actual case in controversy arising under the Fourth and Fourteenth Amendments to the Constitution of the United States. This case also arises under the provisions of 42 U.S.C. §§ 1983 and 1988.

## III. THE PARTIES

16. Plaintiff Eva Robinson is a citizen and resident of the United States, domiciled in Pope County, Arkansas.

17. Plaintiff Ron Robinson is a citizen and resident of the United States, domiciled in Pope, County, Arkansas.

18. Plaintiff Matthew Robinson is a citizen and resident of the United States, domiciled in Pope County, Arkansas.

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19. At all times relevant Steven Payton was a resident of Pope County, Arkansas and was acting in his capacity as a Deputy Marshal for the City of Dover Marshal's Office and was acting under the color of state law. He is sued in his individual and official capacity as a member of the City of Dover Marshal's Office.

20. Kristopher Stevens is a resident of Pope County, Arkansas and was at all times material to the allegations in this Complaint acting in his capacity as a Pope County Deputy Sheriff and was acting under the color of law. He is sued in his individual capacity and in his official capacity as a Sergeant of the Pope County Sheriff's Department and/or as an agent or special deputy of the City of Dover as Defendant Stevens was not only acting as an officer of the Pope County Sheriff's Department, but was also acting under some official or unofficial mutual aid agreement with the City of Dover, as will be more particularly stated in this Complaint.

21. Stewart Condley is, upon information and belief, a resident of Pope County, Arkansas and was at all times material in this Complaint acting in his capacity as a Corporal with the Arkansas State Police and was acting under color of law. He is sued in his individual capacity and in his official capacity and/or is a Special Deputy of the City of Dover as Corporal Condley was not only acting as an officer of the Arkansas State Police but was also acting under some official or unofficial mutual aid agreement with the City of Dover, as will be more particularly stated in this Complaint.

22. Rod Pfeifer is a resident of Pope County, Arkansas and was at all times relevant the Chief Marshal of the City of Dover Marshal's Office and served in a role similar to Chief of Police. Pfeifer was in charge of the operations and actions of the officers

in his employ and others acting in joint law enforcement operations under official or unofficial mutual aid agreements.

23. Rod Pfeifer had final authority to make policy for the City of Dover's Marshal's Office and had been delegated by the City of Dover to create or execute a policy or regulation which governed the conduct of law enforcement officers under his control as it relates to arrest, use of force, and use of tasers.

24. At all times relevant Rod Pfeifer was acting under color of state law. He is sued in his official and individual capacities.

25. Aaron DuVall is a resident of Pope County, Arkansas and at all times relevant was the Sheriff of Pope County, Arkansas. DuVall was in charge of the operations and actions of the officers in his employ and others acting in joint law enforcement operations in their official or unofficial mutual aid agreements.

26. Aaron DuVall had final authority to make policy for the Pope County Sheriff's Department and has been delegated authority by the County to create or execute a policy or regulation which governs the conduct of law enforcement officers under his control as it relates to the arrest, use of force, and use of tasers.

27. At all times relevant Aaron DuVall was acting under color of law. He is sued in his official and individual capacities.

28. The City of Dover, Arkansas is a political subdivision of the State of Arkansas and has among its other functions operating and maintaining a law enforcement agency known as the City of Dover Marshal's Office.

29. The City of Dover is under a duty to run its policing activities in a lawful

manner so as to preserve the peace of the City of Dover and to preserve its citizens the rights, privileges and amenities guaranteed and secured to them by the Constitution and laws of the United States and the State of Arkansas.

30. The City of Dover has established or delegated to the City of Dover Marshal's Office the responsibility for establishing, the implementation of policies, the practices, procedures or customs used by law enforcement officers employed by the City of Dover, including Defendant Steven Payton, regarding arrest, the use of a taser, and the use of force during law enforcement operations.

31. At all times relevant the City of Dover officers were acting by virtue of and under the color of their offices as law enforcement officers of the City of Dover and the City of Dover Marshal's Office.

32. Pope County, Arkansas is a political subdivision of the State of Arkansas and has among its other functions operating and maintaining a law enforcement agency known as the Pope County Sheriff's Department.

33. Pope County is under a duty to run its policing activities in a lawful manner so as to preserve the peace of Pope County and to preserve its citizens the rights, privileges and amenities guaranteed and secured to them by the Constitution and laws of the United States and the State of Arkansas.

34. Pope County has established or delegated to the Sheriff the responsibility for establishing and implementing policies, practices, procedures and customs, used by law enforcement officers employed by Pope County regarding arrest, use of force, and use of tasers.

35. Each and all aspects of the Individual Defendants and other members of the City of Dover Marshal's Office and the Pope County Sheriff's Department involved in this incident performed under the color and pretense of the Constitutions, statutes, ordinances, regulations, customs and uses of the United States of America and the State of Arkansas, Pope County, and the City of Dover, under color of law and by virtue of their authority as law enforcement officers and in the course and scope of their employment with the City of Dover Marshal's Office, the Pope County Sheriff's Department, and the Arkansas State Police.

36. Upon information and belief, all Defendants except Corporal Condley waived immunity from civil liability and tort by purchasing liability insurance by contract with an insurance company and/or participation in an insurance risk pool that covers claims asserted in this legal action.

#### IV. DISCUSSION OF FACTS

##### A. Joint Law Enforcement Affiliation

37. The City of Dover is located in Pope County, Arkansas.

38. The City of Dover in conjunction with Pope County Sheriff's Department and the Arkansas State Police operate under an official or unofficial mutual aid agreement whereby the officers from the respective departments jointly participate in law enforcement activities in the City of Dover.

39. Therefore it is the custom, policy and procedure of the City of Dover, the Pope County Sheriff's Department, and the Arkansas State Police under this official or unofficial mutual aid agreement to engage in joint law enforcement activities.

40. These Defendants are under a duty and obligation to ensure that all officers, including the individual Defendants, acted in a manner so as to preserve the constitutional rights of the citizens of Pope County.

41. The City of Dover had and has no written taser policy.

42. The Pope County Sheriff's Department does have a written taser policy, but it is inadequate and allowed the taser to be deployed before utilizing other means available.

43. It is clear the policy of utilizing a taser before utilizing other force, such as physical contact with the subject, allowed the taser to be deployed to force compliance in an excessive manner.

44. In other words, the connection between the policy and the constitutionally-impermissible harm is clear.

45. Such a policy allows a taser to be used on an otherwise cooperative subject or one that is "passively resisting."

46. Pope County's policy, which places the use of the taser so low on the force continuum that it is deployed before conventional physical contact, is not permissible as it allows force in excess of that permitted by clearly established law.

47. It is the policy, practice, and custom of the Individual Defendants and the City of Dover, Rod Pfeifer, and Pope County, through its Sheriff's Department, to:

- a. Detain people on the street simply for having their hands in their pockets; and



- b. Detain people solely to identify them, even when no suspicion of criminal activity exists.

48. These are defective policies, practices, procedures and customs that caused the violation of Eva Robinson's rights.

49. These customs were permitted by the City and County as known customs authorized by City and County officials including Rod Pfeifer and Aaron DuVall as policymakers for their respective entities.

50. Defendants Rod Pfeifer, Aaron DuVall, City of Dover, the Dover Marshal's Office, and the Pope County Sheriff's Department were deliberately indifferent to Eva Robinson's and Matthew Robinson's rights in failing to adequately train police officers properly, including the laws governing arrests and detentions, use of tasers, and excessive force.

51. Defendants Rod Pfeifer, Aaron Duvall, City of Dover, and Pope County Sheriff's Department tolerated violations of their written policies and failed to follow those policies.

B. The Evening Of September 13, 2011

52. On the evening of September 13, 2011 Eva Robinson, and her then 16-year-old son Matthew Robinson, were walking their dog in front of the Dover United Methodist Church which is across the street from their house.

53. Earlier that evening, Matthew Robinson had been at his grandparents' house and after he returned home, he met up with Eva Robinson to walk their dog.

54. Eva Robinson and Matthew Robinson were engaged in lawful conduct and not in violation of any applicable laws.

55. Nor were Eva Robinson nor Matthew Robinson engaging in any conduct which would give or provide reasonable cause to believe that they were engaged in unlawful activity.

56. They were walking in a residential and quiet business neighborhood.

57. The neighborhood was not a high crime or drug trafficking area.

58. There was no one else on the street. There were no gangs of suspicious-looking thugs or otherwise unsavory people.

59. There had been no complaints or reports of illegal or questionable activity in the neighborhood.

C. The Initial Stop

60. On the night in question Defendant Deputy Marshal Steven Payton was serving as a part-time Deputy Marshal for the City of Dover Marshal's Office.

61. At all times relevant Steven Payton was acting in his capacity and under color of law as a Deputy for the City of Dover, Arkansas.

62. The suspicious acts of Matthew Robinson were purportedly being tall, being on the same street as a much shorter female, and putting his hand in his pocket while he walked.

63. The undisputed facts are that Deputy Marshal Payton wanted to see what Matthew Robinson was doing because of his assumptions about this "suspicious activity" which Payton contended was "probable cause."

64. Probable cause for what exactly was never articulated nor can it be inferred from the facts of this case.

65. Deputy Marshal Payton also said he saw Matthew Robinson "throw something," that he was unable to describe or find in the bushes, although the officer found nothing in multiple searches of the area at the time of the incident and afterwards.

66. Marshal Payton's articulated concern or reason for the stop was to protect Eva Robinson from a taller boy, though she had not initiated contact with the officer.

67. Deputy Marshal Payton turned on his blue lights and got out to investigate the "suspicious activity," as well as to identify them.

68. Upon Deputy Marshal Payton's activation of his blue lights, Eva Robinson was detained and unable to leave the area.

69. Eva Robinson immediately told Deputy Marshal Payton that the boy was her son, Matthew Robinson.

70. At that point even Deputy Marshal Payton's purported justification for the stop was completed.

71. Eva Robinson did not complain that she was in danger from Matthew Robinson.

72. An acquaintance who drove by about the same time the officer arrived saw nothing unusual either other than the police stopping the boy and his mother.

73. There was nothing left for Deputy Marshal Payton to investigate.

74. However, Deputy Marshal Payton continued to detain Eva Robinson and Matthew Robinson.

75. Nothing in Eva Robinson's or Matthew Robinson's conduct gave Deputy Marshal Payton a reasonable basis to suspect that Eva Robinson or Matthew Robinson were committing, had committed, or were about to commit (1) a felony or (2) a misdemeanor involving danger or forceful injury to persons or appropriation of or damage to property.

76. Deputy Marshal Payton did not have a specific or articulable reason to suspect that Eva Robinson or Matthew Robinson may be involved in criminal activity.

77. Despite this lack of reasonable suspicion for an investigatory stop, Deputy Marshal Payton conducted an investigatory stop of Eva Robinson and Matthew Robinson in violation of Arkansas Rule of Criminal Procedure 3.1.

78. Specifically, he activated the blue lights on his City of Dover, Arkansas Marshal's Office car and pulled up behind them.

79. Within seconds of making his initial contact with Eva Robinson and Matthew Robinson, Eva Robinson identified themselves as a mother and son, further removing any claim articulable suspicion on the part of Deputy Marshal Payton.

80. Despite Eva Robinson's identification of her self as Matthew Robinson's mother, Deputy Marshal Payton demanded a search of Matthew Robinson's pockets and searched his pockets.

81. Deputy Marshal Payton could request Eva Robinson and Matthew Robinson to furnish information or otherwise cooperate in the investigation of crime.

82. However, there was no articulable suspicion for the investigation or the prevention of a crime.

83. Even if the authority to request such cooperation existed, Deputy Marshal Payton violated Rule 2.2 of the Arkansas Rules of Criminal Procedure by indicating to Eva Robinson and Matthew Robinson that they were legally obligated to furnish information or otherwise cooperate as no such legal obligation existed.

D. Continued Restraining The Robinsons' Freedom

84. Despite the lack of probable cause for detention without arrest, Deputy Marshal Payton restrained the freedom of Eva Robinson and Matthew Robinson and prohibited them from leaving his presence.

85. In making his commands Deputy Marshal Payton acted in an aggressive, belligerent, inconsistent and erratic manner.

86. Matthew Robinson wanted to call Chief Marshal Pfeifer, who knew the family well and could vouch for them.

87. Eva Robinson wanted to call her husband who was within a few feet of where Payton confronted them.

88. Deputy Marshal Payton took their phone, put it in his pocket; and refused to let them call anyone.

89. During the process of Deputy Marshal Payton's illegal detention, Eva Robinson, Matthew Robinson and their dog were placed in the back of his patrol car which was essentially a cell.

90. Deputy Marshal Payton placed Eva Robinson and Matthew Robinson in the car because he was "out-numbered," although his wife was sitting in the front seat.

91. The doors to Deputy Marshal Payton's patrol car could not be unlocked from

the inside and there was a cage in front of the seat. They were detained.

92. Deputy Marshal Payton's detention of the Robinsons without an arrest was in violation of Rule 3.1 of the Arkansas Rules of Civil Procedure in that he did not have a basis to reasonably suspect that Eva Robinson or Matthew Robinson had committed or were about to commit a (1) felony or (2) a misdemeanor involving danger or forcible injuries to persons or appropriation of or damage to property.

93. Further, such actions were not reasonably necessary to either obtain or verify the identification of Eva Robinson or Matthew Robinson or to determine the lawfulness of their conduct.

94. It is anticipated that Defendants will attempt to justify Deputy Marshal Payton's unlawful actions by contending Eva Robinson and Matthew Robinson refused to identify themselves. This claim is disputed.

95. Even if true (which it is not), Deputy Marshal Payton was not permitted to arrest or detain Eva Robinson or Matthew Robinson for refusing to identify themselves as they were not reasonably suspected of criminal activity.

96. Further, their identification was not needed to protect Deputy Marshal Payton's safety or to resolve reasonable suspicions that prompted Deputy Marshal Payton to initiate the stop.

97. It is not illegal to not identify oneself when asked by the police to do so.

98. A refusal to cooperate, without more, does not meet the minimum level of objectification needed for detention.

99. Deputy Marshal Payton also failed to immediately advise Eva Robinson or

Matthew Robinson of the reason for detention.

100. Such failure to advise constitutes a violation of Rule 3.2 of the Arkansas Rules of Criminal Procedure.

E. Arrival Of Individual Co-Defendants

101. Deputy Marshal Payton called for backup and Co-Defendants Pope County Sergeant Kristopher Stevens and Arkansas State Police Corporal Stewart Condley arrived.

102. At all times relevant Kristopher Stevens was acting in his capacity and under color of law as a Sergeant with the Pope County Sheriff's Department.

103. At all times relevant Stewart Condley was acting in his capacity and under color of law as a Corporal for the Arkansas State Police.

104. Deputy Marshal Payton claims he told the other officers he was detaining Eva Robinson and Matthew Robinson to identify them.

105. Sergeant Kristopher Stevens claims that Deputy Marshall Payton said Eva Robinson and Matthew Robinson were under arrest and had charges against them.

106. Regardless, Eva Robinson and Matthew Robinson were detained, without probable cause, even though they had not committed any criminal offense and there was no reasonable suspicion that they had done such.

107. They were simply on the street in their neighborhood, twenty-five steps from their house, a mother and son walking their dog.

108. No officer identified any crime they believed Eva Robinson or Matthew Robinson had committed to warrant investigation or detention.

F. Taser Model X26

109. Tasers, often referred to as stun guns, use compressed gas to fire electrodes delivering an initial shock of 50,000 volts of electricity, rendering the victim momentarily incapacitated.

110. No one can opine with reasonable certainty where the flow of those 50,000 volts of electricity travel once inside the human body.

111. On the evening in question Sergeant Stevens and, upon information and belief, Deputy Marshal Payton, were armed with the Taser X26.

112. Tasers are not meant to force compliance when the subject does not pose a threat to anyone.

113. The taser is not a toy, but it is well known it can be a killing device.

114. On April 30, 2012 the American Heart Association published a study conducted by Dr. Douglas P. Zipes entitled, "Sudden Cardiac Arrest and Death Associated With Application of Shocks From a Taser Electronic-Controlled Device," focusing on the Taser Model X26.

115. Deaths have been known to be caused by the Taser X26, as well as other effects including, but not limited to, memory impairment, electrical interference with ECG reporting, inducing ventricular fibrillation.

116. The Taser X26 inflicts a painful and frightening blow, which temporarily paralyzes the large muscles of the body, rendering the victim helpless.

117. Tasers overwhelm neurotransmitters and prevent brain signals that control movement.

118. In a May 10, 2010 article it was foretold that tasers could possibly cause short-



term memory loss and a condition called metabolic acidosis.

119. There are continuing reports, as in this case, of officers using multiple or prolonged shocks, despite warnings that such usage may increase the risk of adverse effects on the heart and respiratory system.

120. The Taser X26 has been proven to have the ability to kill a human being.

121. By Amnesty International's account, since 2001 over five hundred (500) people have died in the United States as a result of taser use.

122. Most of the individuals who died moments after taser deployment were charged with misdemeanors.

123. In addition to concerns about their safety, tasers are also open to abuse. Some law enforcement agencies, such as the Defendants' conduct in this case, use the taser to subdue allegedly non-compliant individuals who do not pose a significant threat.

124. Tasers are frequently deployed in situations where firearms or other weapons would not be an option.

125. For example, as in this case, police used tasers on an unarmed individual who allegedly failed to comply immediately with instructions, who allegedly struggled while he was being handcuffed, and who allegedly tried to run or walk away from a minor incident.

126. The use of a taser in these kind of situations is inconsistent with the individual's constitutional rights which require police to use force only as a last resort, in proportion to the threat posed, and in a manner designed to minimize pain or injury.

127. The use of the taser in this case amounted to torture and other cruel,

inhuman, and degrading treatment.

G. Lack Of Circumstances Justifying Use Of A Taser

128. There were three officers present, *i.e.*, Payton, Stevens, and Condley (hereinafter jointly referred to as the "Individual Defendants"), and there was no indication that Eva Robinson or Matthew Robinson were armed or that the circumstances were volatile or deadly.

129. Repeated deployment of a stun on an unarmed person, was unconstitutional.

130. Neither Eva Robinson nor Matthew Robinson posed an immediate threat to the safety of the Individual Defendants or others.

131. At no time did Eva Robinson or Matthew Robinson ever physically or verbally threaten the Individual Defendants in any way.

132. The Individual Defendants knew or should have known that repeated, prolonged, and/or continuous exposure to the taser electrical discharge could cause strong muscle contractions and impair breathing and respiration, particularly when the probes were placed on the chest or diaphragm.

133. The Individual Defendants knew they should avoid prolonged, extended, uninterrupted discharges or extensive multiple charges in order to minimize the potential for over-exertions of the subject or potential impairment of full ability to breath over time.

134. In this case the Plaintiffs' alleged crimes were not severe. In fact, they were non-existent.

135. With Eva Robinson and Matthew Robinson in the back of the car it was clear that the Individual Defendants were in full control of the situation. The Individual

Defendants were the ones that escalated the situation to the use of the taser.

136. This was not the “tense, uncertain or rapidly evolving” circumstance calling for “split second decisions” about the amount of force necessary.

137. It was objectively unreasonable to deploy a taser against Matthew Robinson. There can be no doubt in the Fourth Amendment context, the use of a taser constitutes significant force, and used for “passive resistance” is excessive force.

H. The Torture Of Matthew Robinson

138. The Individual Defendants approached the vehicle purportedly to conduct a search for weapons.

139. The assertion that the Individual Defendants needed to search Eva Robinson and Matthew Robinson for weapons before transport for the officer’s safety is suspect.

140. During the encounter, including the search of Matthew Robinson, the police were questioning him about drugs, not weapons.

141. Further, Eva Robinson and Matthew Robinson were both placed in the patrol unit with Deputy Marshal Payton’s wife in the front seat without patting them down for any weapons or even handcuffing them before putting them in the cars and Matthew Robinson’s pockets had already been searched.

142. Also, Eva Robinson was never searched at the scene.

143. The back seat of Deputy Marshal Payton’s car was cramped, contained two persons, and their dog.

144. Matthew Robinson is in excess of six feet tall and was wearing size sixteen boots.

145. He was essentially crammed into the backseat of Deputy Marshal Payton's car, with the family dog on his lap.

146. When officers made demand that he vacate the vehicle Matthew Robinson reached up to Sergeant Stevens for assistance to exit the vehicle.

147. Within seconds of approaching the car Sergeant Stevens deployed a taser with metal prongs and electrodes into Matthew Robinson.

148. Such actions were intended to incapacitate and did incapacitate Matthew Robinson by impairing his sensory and motor functions and to inflict pain.

149. Not satisfied with this unnecessary and unprovoked tasing, Sergeant Stevens then drive stunned Matthew Robinson while still sitting in the car.

150. Drive stunning is accomplished by jamming the electrodes of the taser into a person.

151. All of this was in the presence of his mother, Eva Robinson, who thought her son was being shot.

152. Despite the fact that Matthew Robinson's motor and sensory functions were impaired by the taser and drive stun, Deputy Marshal Payton and Sergeant Stevens drug Matthew Robinson out of the vehicle and then drive stunned him at least two additional times while he was standing.

153. This was again designed to inflict pain.

154. Not satisfied with the pain they had already inflicted on Matthew Robinson in front of his mother, Deputy Marshal Payton swept Matthew Robinson to the ground and then Sergeant Stevens drive stunned Matthew Robinson at least two more times while on

the ground. To Matthew Robinson, the tasing felt continuous throughout the process and affected his sensory and motor functions.

155. The Individual Defendants' intent was successful. Matthew Robinson suffered extreme pain and suffered both temporary and permanent injuries as a result of the Defendants' actions. While the officers were on top of Matthew Robinson, they beat him, grabbed him, choked him, and hit him in the groin.

156. At least one of the Individual Defendants placed his knee and full body weight on Matthew Robinson while he was being handcuffed and ground his face into the gravel.

157. The actions of the officers were excessive and much more extensive than reasonably necessary.

158. Matthew Robinson was searched by the Individual Defendants for drugs, drug paraphernalia, weapons, or any other contraband.

159. The Individual Defendants made false allegations against Matthew Robinson that he was in the possession of drugs, needles, and drug paraphernalia.

160. Of course, nothing illegal was found because they were not doing anything illegal.

161. The Individual Defendants' use of force was also excessive because it was not reasonably necessary to take the Eva Robinson or Matthew Robinson into custody or stop them for investigation.

162. The Individual Defendants inflicted unnecessary and wanton pain on Matthew Robinson in front of his mother.

163. Defendants Payton and Stevens conducted, engaged in, or participated in the malicious and sadistic tasing of Matthew Robinson which constituted extreme and excessive cruelty.

164. Defendant Corporal Condley acted with reckless indifference by not only failing to protect Matthew Robinson, but hindering his mother from protecting her son from the torture he was suffering at the hands of Deputy Marshal Payton and Sergeant Stevens.

I. Use Of Excessive Force Against Eva Robinson

165. While her son was being tortured by Deputy Marshal Payton and Sergeant Stevens, Corporal Condley pulled Eva Robinson out of the opposite side of the car and illegally detained her on the ground.

166. She was so distraught at the torture she saw her son undergoing Eva Robinson actually urinated on herself while on the ground.

167. Eva Robinson reasonably believed that the Individual Defendants were using or were about to use unlawful physical force upon her and her son.

168. As a result, Eva Robinson attempted to go to her son and was continuously yelling for help and for her husband to come to their assistance.

169. Eva Robinson tried to get to her son to protect him.

170. In doing so Eva Robinson used only such force as she reasonably believed to be necessary to prevent the unlawful physical force by Deputy Marshal Payton and Sergeant Stevens.

171. Defendant Corporal Condley was a witness to the torture of Matthew Robinson which was taking place at the hands of Deputy Marshal Payton and Sergeant Stevens and had a duty to stop this unlawful conduct but failed to do so.

172. Instead, Corporal Condley participated in the unlawful acts by preventing Eva Robinson from protecting her son from the torture and the use of unlawful physical force against her son.

173. Included in Corporal Condley's participation was controlling the person of Eva Robinson and shoving her against the back of Deputy Marshal Payton's patrol car during which an antenna on the car was broken.

174. Corporal Condley forcefully and violently assisted in the handcuffing of Eva Robinson, along with Sergeant Stevens which included slamming Eva Robinson against the hood of the patrol car on multiple occasions.

175. The excessive force used by Corporal Condley and Sergeant Stevens, which included choking, caused injuries to Eva Robinson which she continues to suffer even today.

J. Plaintiff Ron Robinson Arriving

176. Plaintiff Ron Robinson, Eva Robinson's husband and Matthew Robinson's father, finally heard Eva Robinson's screams for help as a result of the excessive physical force that was being used on her and her son.

177. As Ron Robinson approached the scene the Individual Defendants made him drop to his knees and put his hands on his head.

178. Ron Robinson was able to hear and see the results of the Defendants'

wrongful actions.

179. Once Ron Robinson was identified as the husband of Eva Robinson and father of Matthew Robinson, the Individual Defendants stated they had caught his son with drugs, needles, drug paraphernalia, and that he was a drug user.

180. These accusations were utterly false. Matthew Robinson did not have drugs and is not a drug user.

181. The Individual Defendants also made these allegations repeatedly against Matthew Robinson as they were searching him.

K. Criminal Charges Against Eva Robinson

182. Unwilling to acknowledge that they acted improperly, the Individual Defendants then caused to be filed against Eva Robinson criminal charges for disorderly conduct, refusal to submit to arrest, and late added the charge of criminal mischief.

183. The charges filed against Eva Robinson by the Individual Defendants were false and placed on her in an effort to cover up their unconstitutional actions.

184. Therefore, the Individual Defendants jointly engaged in a course of conduct designed to cover up their unconstitutional actions in violation of Eva Robinson's constitutional rights by submitting false reports and charges against her.

185. The Individual Defendants knew they had violated the Eva Robinson's constitutional and other rights and then undertook several actions to conceal their wrongdoing including, but not limited to:

- a. Failing to maintain the taser(s) that was used to torture Matthew Robinson and the data maintained on the taser(s).



- b. Failure to file appropriate reports, including use of force reports, of their attack.
- c. Failure to maintain evidence at the scene and document the events which occurred.
- d. Failure to provide Matthew Robinson appropriate medical treatment.
- e. Intentionally failing to maintain, destroying, and suppressing material evidence directly relevant to the claims in this case.

186. But the Individual Defendants were not done.

187. In an effort to conceal their wrongdoings and to avoid the resultant civil liability, the Defendants then proposed, through the City of Dover attorney, that the criminal charges against Eva Robinson would be dismissed in exchange for broad releases from all of the Robinsons, including the grandparents, for the events which occurred on the evening of September 13, 2011, and an agreement not to discuss the incident for six (6) months.

188. A copy of the proposed releases and transmittal letter by the City of Dover attorney is attached as Exhibit A and incorporated by reference.

L. Additional Wrongful Acts By Defendants

189. The conduct by the Individual Defendants was unjustified, unprovoked, and grossly disproportionate to the actions of Plaintiffs Eva Robinson and Matthew Robinson, if any, and amounted to the use of excessive force in violation of their clearly established Fourth Amendment rights.

190. Therefore, all of the officers are jointly and severally liable for the excessive force used against Eva Robinson and Matthew Robinson, and the failure to intervene to stop the use of excessive force, which caused injuries and damages to the Plaintiffs.

191. The actions by the Individual Defendants against Eva Robinson and Matthew Robinson were unjustified, unprovoked and objectively unreasonable and constitute a violation of their rights under the Fourth Amendment and/or Fourteenth Amendment to be free from the use of excessive force.

192. Further, some of the Individual Defendant officers violated Eva Robinson's constitutional rights by failing to intervene and stop the vicious attacks of her son and preventing her from stopping the attacks by their fellow officers in violation of Mrs. Robinson's constitutional rights.

193. Ron Robinson, among others, reported the wrongful actions of the Individual Defendants to, among others, the Mayor and City Council for Dover, Chief Marshal Pfeifer, and Sheriff DuVall, who failed to adequately investigate this matter and their customs and practices despite being advised that the Individual Defendants violated Eva Robinson's and Matthew Robinson's constitutional rights.

194. Therefore, Sheriff DuVall, Chief Marshal Pfeifer, the City of Dover, and Pope County approved, ratified, and knowingly acquiesced in the conduct of all of the Individual Defendants in all respects.

195. Each of the Defendants, individually, and in concert with each other acted under color of law in their official capacities, to deprive Eva Robinson Matthew Robinson of their rights to freedom from unreasonable seizure and the use of unnecessary,

unjustified excessive force; said right secured to Eva Robinson and Matthew Robinson by the Fourth and Fifteenth Amendments to the Constitution of the United States and by 42 U.S.C. §§ 1983 and 1988.

196. The force used by the Individual Defendants was excessive and not objectively reasonable in light of the facts and circumstances confronting them.

197. On an objective basis, no reasonable competent officer would have concluded that the Individual Defendants should have taken the disputed actions.

198. Eva Robinson and Matthew Robinson had a right to be free from excessive force in the context of arrest pursuant to the Fourteenth Amendment which prohibiting against unreasonable seizures.

M. Harm To Plaintiffs

199. As a direct and proximate result of the acts and omissions of the Defendants, Plaintiffs were injured and damaged.

200. The injuries, damages, and relief which Plaintiffs seek from the Defendants, jointly and severally, under both state and federal law, include, but are not limited to:

- a. Damages for physical pain and suffering of the past, present and future;
- b. Damages for emotional pain and suffering of the past, present and future;
- c. Damages for medical expenses of the past, present, and future;
- d. Damages for incidental and consequential damages stemming from attending to the injuries of Plaintiffs Eva Robinson and Matthew

Robinson.

- e. Damages for loss of enjoyment of life of the past, present, and future;
- f. Damages for loss of wages;
- g. Scars and disfigurement;
- h. Damages for loss of earning capacity;
- i. Punitive damages;
- j. Pre and post judgment interest;
- k. Attorney's fees;
- l. A Declaratory Judgment that the acts and conduct herein is unconstitutional;
- m. Injunctive relief precluding the Defendants from engaging in the conduct herein and the future and requiring the City of Dover and the Pope County Sheriff's Department to provide proper policy, training and supervision of its officers and holding them accountable for their misconduct; and
- n. All such relief, both general and specific, to which they may be entitled.

#### V. CAUSES OF ACTION

A. Count 1: Violation Of Fourth And Fourteenth Amendments (Plaintiffs Eva Robinson and Matthew Robinson Against All Defendants)

201. Plaintiffs Eva Robinson and Matthew Robinson re-allege and incorporate by reference the allegations contained in paragraphs 1 - 200.

202. In committing the acts complained of herein, the Defendants acted jointly and

under color of state law to deprive Plaintiffs Eva Robinson and Matthew Robinson of their clearly established constitutionally protected rights under the Fourth and Fourteenth Amendments of the United States Constitution including but not limited to:

- a. Freedom from unreasonable seizure;
- b. The right to be free from unreasonable searches;
- c. Freedom from the use of unreasonable, unjustified and excessive force;
- d. Freedom from deprivation of liberty and property without due process of law;
- e. Freedom from summary punishment;
- f. Freedom from the prevention of officers from using excessive force; and
- g. Freedom from arbitrary governmental activity which shocks the conscience of a civilized society.

203. In violating Eva Robinson's and Matthew Robinson's rights as set forth above and other rights that will be proven at trial, Defendants acted under color of state law and conducted an unreasonable seizure of Eva Robinson and Matthew Robinson and utilized unnecessary, unjustified, unreasonable and excessive force.

204. The Individual Defendants' actions were not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

205. Further, the acts or conduct committed by the Individual Defendants against

Eva Robinson and Matthew Robinson occurred in the presence of each other and the Individual Defendants further violated Eva Robinson's and Matthew Robinson's constitutional rights by failing to intervene and prevent the violation of Eva Robinson's and Matthew Robinson's constitutional rights by fellow officers.

206. Corporal Condley and Sergeant Stevens are also individually liable as supervisors who directly participated in the violations of Eva Robinson's and Matthew Robinson's rights.

207. All Individual Defendants knowingly and deliberately conspired to deprive Eva Robinson and Matthew Robinson of their civil rights.

208. As a direct and proximate result of the violation of her constitutional rights by the Defendants, Eva Robinson and Matthew Robinson suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. § 1983.

B. Count 2: Cruel And Unusual Punishment—Eighth Amendment (Plaintiffs Eva Robinson And Matthew Robinson Against All Defendants)

209. Plaintiffs Eva Robinson and Matthew Robinson re-allege and incorporate by reference the allegations contained in paragraphs 1 - 208.

210. Pursuant to the Eighth Amendment of the United States Constitution Eva Robinson and Matthew Robinson were entitled to be free from cruel and unusual punishment.

211. The Individual Defendants engaged in extreme and excessive cruelty to Plaintiffs Eva Robinson and Matthew Robinson, and as described above, constituted cruel and unusual punishment.

212. The actions of the Individual Defendants constituted unnecessary and

wanton infliction of pain and suffering and were extreme and excessively cruelty.

213. The Individual Defendants acted maliciously by undertaking, without just cause for reason, a course of action intended to cause extreme pain and suffering.

214. As a direct and proximate result of the violation of her constitutional rights by the Defendants, Eva Robinson and Matthew Robinson suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. § 1983.

C. Count 3: Violation Of Arkansas Civil Right Acts (Plaintiffs Eva Robinson And Matthew Robinson Against the Individual Defendants)

215. Plaintiffs Eva Robinson and Matthew Robinson re-allege and incorporate by reference the allegations contained in paragraphs 1 - 214.

216. Defendants acted under color of statute, ordinance, regulation, custom or usage and caused Eva Robinson and Matthew Robinson to be subjected to deprivation of their rights, privileges, and immunities as secured by the Arkansas Constitution.

217. The violation of the constitutional rights included, but are not limited to:

- a. Article 12 § 15 of the Arkansas Constitution prohibiting unreasonable searches and seizures;
- b. The fundamental right to privacy is implicit in the Arkansas Constitution, Article 2 § 2, 8, 15, 21, 29;
- c. The denial of liberty and pursuit of happiness, Article 2 § 2;
- d. The rights to freedom of assembly and association, Article 2 § 4;
- e. Freedom of Speech, Article 2 § 6;
- f. Imposition of cruel or unusual punishment, Article 2 § 9;
- g. Unreasonable detention, Article 2 § 9;

- h. For the remedy set-forth in Article 2 § 13; and
- i. Unreasonable searches and seizures, Article 2 § 15-16.

218. As a direct and proximate result of the violation of their constitutional rights by the Defendants, Eva Robinson and Matthew Robinson suffered general and special damages as alleged in this Complaint and are entitled to relief under the Arkansas Civil Rights Act.

219. Plaintiffs Eva Robinson and Matthew Robinson seek the award of their costs of litigation and reasonable attorney's fees for the pursuit of this claim.

D. Count 4: Tort Of Outrage (Plaintiffs Against the Individual Defendants)

220. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 - 219.

221. The Individual Defendants acted willfully and wantonly when they knew or should have known in light of the surrounding circumstances that their conduct would naturally and probably result in emotional distress and bodily harm and continuing such conduct and reckless disregard of the consequences.

222. The Individual Defendants' conduct was so outrageous in character and so extreme in degree as to go beyond all bounds of decency and should be regarded as atrocious and utterly intolerable in a civilized society.



223. As a result of the Individual Defendants outrageous conduct Plaintiffs have been harmed in an amount which has not been determined but is in the excess of that required for federal diversity jurisdiction.

E. Count 5: Abuse Of Process (Plaintiff Eva Robinson Against all Defendants)

224. Plaintiff Eva Robinson re-alleges and incorporates by reference the allegations contained in paragraphs 1 - 223.

225. The Defendants set in motion a legal proceeding directed at Eva Robinson.

226. The purpose of the proceeding was an ulterior purpose for which it was designed.

227. Defendants unlawfully used Eva Robinson's criminal prosecution in a manner not proper in a regular context of the proceeding.

228. Specifically, Defendants pursued criminal charges against Eva Robinson for the purpose of obtaining a civil release for their actions.

229. As a result of Defendants' abuse of process Eva Robinson suffered harm in an amount that has not been determined but which is in excess of that required for federal diversity jurisdiction.

E. Count 6: Battery (Plaintiffs Eva Robinson And Matthew Robinson Against All Individual Defendants)

230. Plaintiffs Eva Robinson and Matthew Robinson re-allege and incorporate by reference the allegations contained in paragraphs 1 - 229

231. The Individual Defendants acted with the intent to cause harmful or offensive conduct to Eva Robinson and Matthew Robinson and acted with the intent to create apprehension of some harmful or offensive contact with them.

232. Harmful or offensive contact with Eva Robinson and Matthew Robinson resulted.

233. As a result of the Individual Defendants outrageous conduct Eva Robinson and Matthew Robinson have been harmed in an amount which has not been determined but is in the excess of that required for federal diversity jurisdiction.

G. Count 7: Failure To Supervise (Plaintiffs Against All Individual Defendants)

234. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 - 233.

235. The City of Dover is located in Pope County, Arkansas.

236. Dover operates in conjunction with Pope County Sheriff's Department under an unofficial mutual aid agreement whereby officers from the respective departments jointly participate in law enforcement activities in the City of Dover.

237. Therefore, it is the custom, policy and procedure of the City of Dover, Chief Marshal Pfeifer, the Pope County Sheriff's Department, and Sheriff DuVall under this official or unofficial mutual aid agreement to engage in joint law enforcement activities and therefore, are under a constitutional duty to ensure that all the officers, including the Individual Defendants, acted in a manner so as to preserve the constitutional rights of citizens of Pope County.

238. The City of Dover, the Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer are under a constitutional duty to properly train, supervise and discipline members of their own departments and of the City of Dover, and Pope County, during their joint law enforcement activities and to ensure that joint policing activities are

run in a lawful manner, preserving to the citizens of Pope County the rights, privileges and amenities guaranteed them by the Constitution of the United States and the State of Arkansas and the laws of the United States of America and the State of Arkansas.

239. The City of Dover, Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer failed in its constitutional duty by permitting, encouraging, tolerating, and knowingly acquiescing to an official pattern, practice or custom of its police officers, including the individual Defendant officers, violating the constitutional rights of the public at large, including Eva Robinson's and Matthew Robinson's.

240. The actions of the Individual Defendants complained of herein were unjustified, unreasonable, unconstitutional, excessive and grossly disproportionate to the actions of Eva Robinson and Matthew Robinson, if any, and constitute an unreasonable seizure effectuated through the use of excessive force and unreasonable force and the deprivation of Eva Robinson's and Matthew Robinson's due process protections in violation of the rights secured by the Fourth and Fifteenth Amendments of the Constitution of the United States.

241. Each of the Individual Defendants had a duty to supervise and prevent the other officers at the scene from violating Eva Robinson's and Matthew Robinson's constitutional rights.

242. The City of Dover, Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer are directly liable for the violation of Eva Robinson's and Matthew Robinson's constitutional rights due to the following policies, practices or customs which were in effect at the time of this incident and which were the moving force behind the

violation of Eva Robinson's and Matthew Robinson's constitutional rights.

- a. Defendants failed to adequately and properly train and educate its officers with respect to procedures to employ when interacting with citizens, including stops, seizures, detentions, and arrests, the proper use of force, the methods of using tasers, creating an atmosphere where illegal and unconstitutional behavior is tolerated and accepted in deliberate indifference and reckless disregard to the welfare of the public at large, including Eva Robinson and Matthew Robinson.
- b. Defendants failed to properly supervise and discipline its officers with respect to the violations of the Constitution and laws of the State of Arkansas, the Constitution of the United States, and their own policies regarding the use of force, the use of tasers, creating a pattern, policy, practice, custom or atmosphere where such illegal and unconstitutional behavior is tolerated, condoned, and accepted in deliberate indifference and reckless disregard to the public at large, including Eva Robinson and Matthew Robinson.
- c. The Defendants failed to adequately monitor and evaluate the performance of its officers and their compliance with the laws and policies, practice and customs with respect to the use of force, and use of tasers, with deliberate indifference and reckless disregard to the public at large, including Eva Robinson and Matthew Robinson.
- d. Defendants failed to adequately respond to and investigate

complaints regarding officer misconduct by the citizenry, including, but not limited to complaints regarding the stop, detention, arrest, use of force, and the use of tasers. Thus creating a policy, practice, custom or atmosphere where such illegal and unconstitutional behavior is ratified, condoned or approved, and deliberate indifference and reckless disregard to the rights of the public at large, including Eva Robinson and Matthew Robinson.

- e. Defendants have a policy, practice, or custom exonerating officers regarding complaints of misconduct including but not limited to, stop, detention, arrests, the use of force, and use of tasers and creating an atmosphere where illegal and unconstitutional behavior is condoned, tolerated, or approved in deliberate indifference and reckless disregard to the rights of the public at large, including Eva Robinson and Matthew Robinson.
- f. The Defendants have a policy, practice or custom of allowing its officers to use excessive and/or unreasonable force without fear of discipline creating an atmosphere which such behavior is accepted, approved and ratified, in reckless disregard and deliberate indifference to the welfare of the public at large, including Eva Robinson and Matthew Robinson.
- g. Defendants are aware that a "code of silence" exists among members

of its department where officers will not report misconduct of fellow officers and has failed to take such steps to preclude existence. As a result of the "code of silence," officers act unconstitutionally without fear of discipline.

243. The City of Dover, Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer are liable for the actions of the Individual Defendants by virtue of the fact that they were informed of improper conduct of the Individual Defendants and failed to discipline them, evidencing that the conduct of the Individual Defendants at the time of the events described herein was in conformity with existing policies, practices, and customs of these Defendants, and that these Defendants ratified the unlawful acts of the Individual Defendants.

244. Accordingly, these Defendants ratified, condoned and approved the Individual Defendant officers' conduct in all respects.

245. Under currently existing law, the City of Dover, the Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer are liable for constitutional violations committed by the Individual Defendants under the doctrines of agency, vicarious liability, employer-employee relations, master-servant, respondents superior, joint venture, contract and as a result of their non-delegable duty to provide officers to comply with the Constitution and laws of the United States and the State of Arkansas.

246. As a direct and proximate result of the foregoing policies, practices and customs the City of Dover, Pope County Sheriff's Department, Sheriff DuVall, and Chief Marshal Pfeifer are responsible for the violations of the constitutional rights by the

Defendants which were substantially certain to occur and were the moving force behind the violation of Plaintiffs' constitutional rights.

I. Count 8: Attorney's Fees (Plaintiffs Against All Individual Defendants)

247. Plaintiffs re-alleges and incorporates by reference the allegations contained in paragraphs 1 - 246.

248. Plaintiffs seeks the award of attorney's fees under state and federal law.

J. Count 9: Punitive Damages (Plaintiffs Against All Individual Defendants)

249. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 - 248

250. The conduct of the Defendants was willful, malicious, oppressive and/or reckless and it was such a nature that punitive damage should be imposed against all Defendants, with the exception of the governmental entities, in an amount commensurate with the wrongful acts alleged herein.

251. As a result of Defendants' reprehensible, malicious, intentional, and reckless conduct Plaintiffs are entitled to an award of punitive damages in an amount to be determined by the jury.

252. Deputy Marshal Payton and Corporal Condley failed to stop Sergeant Stevens from firing his taser multiple times, despite having an opportunity to prevent Sergeant Stevens' unlawful actions.

253. Sheriff DuVall and Chief Marshal Pfeifer owed Plaintiffs the duty to properly and adequately supervise and train all police officers employed by the Dover Marshal's Office and the Pope County Sheriff's Department in the laws of arrest, detentions, the use

of force, and in the use of tasers.

254. As alleged herein, the City through the Dover Marshal's Office and the County through the Pope County Sheriff's Department, and thereby Chief Marshall Pfeifer and Sheriff DuVall, failed to exercise reasonable care and supervision and training of their police officers in arrests, detentions, the use of force, and the use of tasers.

255. As a result of gross negligence as alleged herein, the conduct of the Defendants was purposeful and with the knowledge that it constituted a breach of their duty to observe and honor the rights and safety of others. As alleged herein, the actions of the Defendants were done needlessly, manifesting a conscience and a reckless disregard of an indifference to the safety of others.

256. The conduct of the Defendants constitutes a gross negligence in the performance of their duties as police officers owed to Plaintiffs. At all times relevant in this Complaint, the Individual Defendants were acting in the course and scope of their duties as police officers employed by their respective agencies and their gross negligence is therefore imputed to Sheriff DuVall and Chief Marshal Pfeifer under the doctrine of respondeat superior.

257. The conduct of the Defendants shocks the conscience as an intentional abuse of power.

## VI. MISCELLANEOUS

258. Plaintiffs demand a trial by jury of all issues so triable.

WHEREFORE, Plaintiffs Eva Robinson, Ron Robinson, and Matthew Robinson pray



that they are granted judgment against the Defendants for their damages; for punitive damages; attorney's fees, costs, and all other just and proper relief.

Respectfully submitted,

JAMES, HOUSE & DOWNING, P.A.  
801 West Third Street  
P. O. Box 3585  
Little Rock, AR 72203 3585  
(501) 372-6555 Telephone  
(501) 372-6333 Facsimile

By: /s/ Patrick R. James  
Patrick R. James, Bar No. 82084

Attorneys for Plaintiffs, Eva Robinson, Ron Robinson, and Matthew Robinson

On Behalf of the ARKANSAS CIVIL LIBERTIES UNION FOUNDATION, INC.

CERTIFICATE OF SERVICE

I, Patrick R. James, do hereby certify that a copy of the foregoing was forwarded to the following, via electronic mail, this 9<sup>th</sup> day of July, 2013:

joe.cordi@arkansasag.gov

C. Joseph Cordi, Jr.  
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Catlett-Prien Tower Building  
Little Rock, AR 72201-2610

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Matthew Keith Wren  
M. Keith Wren & Associates  
9421 West Markham Street, Suite B  
Little Rock, AR 72205

/s/ Patrick R. James

Patrick R. James

# FAX

To: Mark Mobley  
Fax: 968-2072  
RE: City of Dover vs. Eva Robinson  
From: Deidre Luker  
Date: March 1, 2012

I would request that you call my cell phone (970-4896) by noon tomorrow and advise whether Ms. Robinson (and her family) are agreeable to the settlement. I will be in Little Rock at the Heart Hospital this afternoon and tomorrow. My grandmother has unexpectedly fallen ill.

## CONFIDENTIALITY NOTICE

The information contained in this fax message is privileged confidential information for the use of the addressee listed.

If you are not the intended recipient nor the employee or person responsible for delivering the message to the intended recipient, please be notified that any disclosure, copying or distribution of the information contained herein is strictly prohibited. If you received this in error, please notify us by fax (479) 890-6957 or phone (479) 967-8100.

PHILLIPS LAW FIRM  
312 West Main  
Russellville, Arkansas 72801  
(479) 967-8100 — Telephone  
(479) 890-6957 — Fax



IN THE DISTRICT COURT OF POPE COUNTY, ARKANSAS  
DOVER DISTRICT

CITY OF DOVER

PLAINTIFF

VS.

NO. CR 11-294 & 11-295

EVA ROBINSON

DEFENDANT

ORDER

Now on this day, comes the Plaintiff by and through its attorney Deidre Luker, and comes the Defendant by and through her attorney Mark Mobley, and from all matters and facts before it the Court doth order and adjudge:

1. This matter is deferred for a period of six (6) months, beginning March 1, 2012, and ending October 1, 2012. If during this six (6) month period, the Defendant is not charged or convicted of any further crime, the city attorney for the City of Dover shall dismiss all criminal charges pending against the Defendant stemming from the incident which occurred on or about September 13, 2011.

2. During the period of deferment, in consideration of the disposition of this cause, the Defendant, Eva Robinson agrees to waive her right to pursue any and all legal action against the City of Dover, its agents, employees or principals, Steven Payton, Kristopher Stevens, and Stewart Condley from all rights, claims, and demands resulting from the arrest that occurred on or about September 13, 2011.

3. Upon dismissal of the charges pending against the Defendant pursuant to the terms set forth in Paragraph 1 of this Order, the Defendant shall pay restitution forthwith to the City of Dover in the amount of \$30.11 for the cost of replacing an antenna on the Dover Marshal's Office patrol car.

---

4. Further, upon dismissal of the criminal charges against the Defendant pursuant to the terms set forth in Paragraph 1 of this Order, the Defendant shall execute a Release-Dismissal Agreement with the City of Dover wherein the Defendant shall release, acquit and forever discharge the City of Dover, its agents, employees or principals, Steven Payton, Kristopher Stevens, and Stewart Couled from any and all rights, claims, and demands, including any and all damages, injuries, and causes of action resulting from the arrest that occurred on or about September 13, 2011, in Dover, Arkansas. The Defendant, through her attorney, has been provided a copy of the Release-Dismissal Agreement prior to the entry of this Order and Defendant is agreeable signing and shall sign same upon the dismissal of the charges against her pursuant to the terms set forth in Paragraph 1 of this Order.

5. It is also the agreement of the parties that neither the parties, their respective attorneys nor the officers involved in the incident which occurred on or about September 13, 2011, shall provide any interviews or make any public comment or statement regarding this matter unless they are doing so pursuant to a court order or an Arkansas Freedom of Information Act Request pursuant to A.C.A 25-19-101 et. seq.

IT IS SO ORDERED.

\_\_\_\_\_  
DON BOURNE, DISTRICT JUDGE  
DATE: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Deidre Luker, Attorney for Plaintiff

\_\_\_\_\_  
Mark Mobley, Attorney for Defendant

\_\_\_\_\_  
Eva Robinson, Defendant

Officer Steven Payton

Sgt. Kristopher Stevens

Cpt. Stewart Conley

## AGREEMENT

In consideration of the mutual promises contained herein **Carol Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley** agree as follows:

It is the agreement of the parties that Carol Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley shall not provide any interviews or make any public comment or statement regarding the incident which took place on or about September 13, 2011 in Dover, Arkansas, unless they are doing so pursuant to a court order or an Arkansas Freedom of Information Act request pursuant to A.C.A. 25-19-101 et. seq. The parties understand and agree that the City of Dover, by and through its attorney Deidre Luker, is obligated by law pursuant to A.C.A. 25-19-101 et.seq. to comply with a Freedom of Information Act request. The parties understand and agree that the City of Dover shall not be in breach of this agreement by complying with a Freedom of Information Act request.

This Agreement is contractual and not a mere recital. This Agreement contains the entire understanding and agreement between the parties hereto with respect to all matters referred to herein and shall supersede all prior or contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters.

The parties, having provided input into the terms contained herein, and having read this Agreement in its entirety, giving careful thought to the provisions contained herein, voluntarily agree to all of the provisions contained herein.

The parties, having read this agreement in its entirety and understanding its terms, sign this agreement voluntarily.

---

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Carol Robinson

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Deidre Luker, Attorney for City of Dover

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_



**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Officer Steven Payton

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Sgt. Kristopher Stevens

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Cpl. Stewart Conley

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

## AGREEMENT

In consideration of the mutual promises contained herein **Russell Robinson, Sr., the City of Dover**, by and through its attorney **Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley** agree as follows:

It is the agreement of the parties that **Ronald Robinson, the City of Dover**, by and through its attorney **Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley** shall not provide any interviews or make any public comment or statement regarding the incident which took place on or about September 13, 2011 in Dover, Arkansas, unless they are doing so pursuant to a court order or an Arkansas Freedom of Information Act request pursuant to A.C.A 25-19-101 et. seq. The parties understand and agree that the City of Dover, by and through its attorney **Deidre Luker**, is obligated by law pursuant to A.C.A. 25-19-101 et.seq. to comply with a Freedom of Information Act request. The parties understand and agree that the City of Dover shall not be in breach of this agreement by complying with a Freedom of Information Act request.

This Agreement is contractual and not a mere recital. This Agreement contains the entire understanding and agreement between the parties hereto with respect to all matters referred to herein and shall supersede all prior or contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters.

The parties, having provided input into the terms contained herein, and having read this Agreement in its entirety, giving careful thought to the provisions contained herein voluntarily agree to all of the provisions contained herein.

The parties, having read this agreement in its entirety and understanding its terms, sign this agreement voluntarily.

---

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Russell Robinson, Sr.

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Deidre Luker, Attorney for City of Dover

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Officer Steven Payton

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Sgt. Kristopher Stevens

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

---

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Cpl. Stewart Conley

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

### RELEASE AGREEMENT

In consideration of the disposition of the court action, City of Dover v. Eva Robinson, CR 2011-294 and CR 2011-295, and in further consideration of the mutual promises contained herein, I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, release, acquit and forever discharge the City of Dover, its agents, employees and principals and Officer Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley from all rights, claims and demands of any kind resulting from my arrest and the arrest of Eva Robinson that occurred on or about September 13, 2011 in Dover, Arkansas.

I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, understand and agree that this release extends to and includes any and all damages, injuries, and causes of action and to all damages, claims or causes of action which may develop in the future as a result of this incident, and I, by and through my parents and legal custodians, waive and relinquish all rights under any law or statute to the contrary.

I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, consider that the disposition of the above court action and the mutual promises contained herein is fair and equitable under all the circumstances. I, by and through my parents and legal custodians, accept this agreement as full and final settlement of all claims, rights, and damages which I now have or may have against the party being released, its agents, employees and representatives, and any law enforcement officer.

I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, in making this agreement, have not relied on statements or representations regarding my rights, claims or damages, facts of arrest, and nature and extent of

my injuries by the party being released, its agents, employees and representatives, or any law enforcement officer.

I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, understand that this release is a compromise settlement of a disputed claim for all damages arising of the arrest referred to above. It is agreed that this settlement is not to be considered as an admission of any responsibility for the arrest of the party released, its agents, employees or representatives, or any law enforcement officer.

Further, it is the mutual agreement of Ronald Matthew Robinson, by and through his parents and legal custodians Ronald Robinson and Eva Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley, that Ronald Matthew Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley shall not provide any interviews or make any public comment or statement regarding the incident which took place on or about September 13, 2011 in Dover, Arkansas, unless they are doing so pursuant to a court order or an Arkansas Freedom of Information Act request pursuant to A.C.A. 25-19-101 et.seq. to comply with a Freedom of Information Act request. The parties understand and agree that the City of Dover shall not be in breach of this agreement by complying with a Freedom of Information Act request.

This Release Agreement is contractual and not a mere recital. This Release Agreement contains the entire understanding and agreement between the parties hereto with respect to all matters referred to herein and shall supersede all prior contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters.

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I, Ronald Matthew Robinson, by and through my parents and legal custodians Ronald Robinson and Eva Robinson, having proposed this Release Agreement with the City of Dover, having provided input into the settlement terms contained herein, and having read this Release Agreement in its entirety giving careful thought to the provisions contained herein and having fully discussed the provisions of this agreement with his attorney, Mark Mobley, finds this agreement to be in my best interest and voluntarily agrees to all of the provisions contain herein.

The parties, having read this agreement in its entirety and understanding its terms, sign this agreement voluntarily.

**THE UNDERSIGNEDS HAVE READ THE FOREGOING AGREEMENT AND FULLY UNDERSTAND IT.**

Signed, sealed and delivered this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
RONALD MATTHEW ROBINSON

\_\_\_\_\_  
EVA ROBINSON, PARENT

\_\_\_\_\_  
RONALD ROBINSON, PARENT

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared, Ronald Matthew Robinson, to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared, Ronald Robinson, to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared, Ronald Robinson, to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Deidre Luker, Attorney for City of Dover

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Officer Steven Payton

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Sgt. Kristopher Stevens

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Cpl. Stewart Conley

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

RELEASE/DISMISSAL AGREEMENT

In consideration of the dismissal of the court action, City of Dover v. Eva Robinson, CR 2011-294 and CR 2011-295, I, Eva Robinson, being of lawful age, release, acquit and forever discharge the City of Dover, its agents, employees and principals and Officer Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley from all rights, claims and demands of any kind resulting from my arrest that occurred on or about September 13, 2011 in Dover, Arkansas.

I, Eva Robinson, understand and agree that this release extends to and includes any and all damages, injuries, and causes of action and to all damages, injuries, claims or causes of action which may develop in the future as a result of this incident, and I waive and relinquish all rights under any law or statute to the contrary.

I, Eva Robinson, consider that the disposition of the above court action and any legal consideration exchanged in the case is fair and equitable under all the circumstances. I accept it as full and final settlement of all claims, rights, and damages which I now have or may have against the party being released, its agents, employees and representatives, and law enforcement officers.

I, Eva Robinson, in making this agreement, have not relied on statements or representations regarding my rights, claims or damages, facts of arrest, and nature and extent of my injuries by the party being released, its agents, employees, representatives or any law enforcement officer.

I, Eva Robinson, understand that this release is a compromise settlement of a disputed claim for all damages arising out of the arrest referred to above. It is agreed that this settlement is not to be considered as an admission of any responsibility for the arrest of the party released, its agents, employees or representatives, or any law enforcement officer.

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I, Eva Robinson, having proposed this Release-Dismissal Agreement with the City of Dover, having provided input into the settlement terms contained herein, and having read this Release-Dismissal Agreement in its entirety giving careful thought to the provisions contained herein and having fully discussed the provisions of this agreement as well as the advantages and disadvantages of entering into this agreement with my attorney Mark Mobley, I find this agreement to be in my best interest and voluntarily agree to all of the provisions contained herein.

This release contains the entire understanding and agreement between me, Eva Robinson, and the party released, its employees, agents and representatives, and law enforcement officers with respect to all matters referred to herein and shall supersede all prior contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters. It is agreed that the terms of this release are contractual and not a mere recital.

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Eva Robinson

STATE OF ARKANSAS  
COUNTY OF POPE

On this \_\_\_\_ day of \_\_\_\_\_, 212\_\_, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

## AGREEMENT

In consideration of the mutual promises contained herein Ronald Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley agree as follows:

It is the agreement of the parties that Ronald Robinson, the City of Dover, by and through its attorney Deidre Luker, Deputy Steven Payton, Sgt. Kristopher Stevens, and Cpl. Stewart Conley shall not provide any interviews or make any public comment or statement regarding the incident which took place on or about September 13, 2011 in Dover, Arkansas, unless they are doing so pursuant to a court order or an Arkansas Freedom of Information Act request pursuant to A.C.A. 25-19-101 et. seq. The parties understand and agree that the City of Dover, by and through its attorney Deidre Luker, is obligated by law pursuant to A.C.A. 25-19-101 et.seq. to comply with a Freedom of Information Act request. The parties understand and agree that the City of Dover shall not be in breach of this agreement by complying with a Freedom of Information Act request.

This Agreement is contractual and not a mere recital. This Agreement contains the entire understanding and agreement between the parties hereto with respect to all matters referred to herein and shall supersede all prior or contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters.

The parties, having provided input into the terms contained herein, and having read this Agreement in its entirety, giving careful thought to the provisions contained herein voluntarily agree to all of the provisions contained herein.

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The parties, having read this agreement in its entirety and understanding its terms, sign this agreement voluntarily.

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Ronald Robinson

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Deidre Luker, Attorney for City of Dover

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_



**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Officer Steven Payton

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Sgt. Kristopher Stevens

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT.**

Signed, sealed and delivered this \_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Cpl. Stewart Conley

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared to me known to be the person named herein and who executed the foregoing Release and acknowledged to me that he voluntarily executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_